Pearl Eubanks

ESSENTIALS IN

CIVIL GOVERNMENT

A TEXT-BOOK FOR USE IN SCHOOLS

BY

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PREFACE

Of the whole number of pupils who can study Civil Government with profit more than nine-tenths are in the upper classes of the grammar schools and in the lower classes of the high schools. In these classes there are nearly two million young people who can be led into a just appreciation of the rights and duties of citizens. Here is a rich field for the sower, an opportunity vast in its proportions for improving the quality of American citizenship and elevating the American electorate.

The aim of this little book is to help those teachers who are trying to give the masses of their pupils sound and systematic instruction in Civil Government: it is intended for use at the top of the grammar school or at the bottom of the high school. Its primary aim is not to teach facts. You cannot start young people on the road to good citizenship by gorging their minds with facts about government. The primary aim of the book is to establish political ideals and to indoctrinate in notions of civic morality.

In the first few lessons (Lessons I–V) the pupil studies the little world in which he moves and has his being. He takes a peep at his own moral nature and he studies the governments of the home and of the school. Then he takes up the great subject of citizenship (Lessons VI–XI) and learns of civic rights and civic duties. Lessons XII–XV

treat of the *powers* of government. In these four lessons the great underlying principles of our government may be learned, and while studying them the pupil ought to catch something of the *spirit* of American government. "The letter killeth but the spirit giveth life." With Lesson XVI the pupil begins to study the forms and workings of the larger governments. Lessons XVI–XX are given to local government, Lessons XXI–XXVI to State government and Lessons XXVII–XXXVI to the National Government. The subject of Taxation is treated in Lessons XXXVII–XXXVIII. In Lessons XXXIX and XL the subject of Party Government receives attention.

Will the general teaching of Civil Government in the schools tend to elevate the citizenship of the masses? It will if a lesson in Civil Government is made a lesson in political ethics. Good citizenship is an affair both of the head and of the heart, and training in citizenship must quicken the conscience as well as inform the mind. In the preparation of this book this truth has never been lost sight of. Wherever it has been practicable I have tried to help the teacher to combine instruction in Civil Government with instruction in morals.

S. E. FORMAN.

Washington, D. C.

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ESSENTIALS IN CIVIL GOVERNMENT

I. GOVERNMENT AND LAWS

"Order is Heaven's first law."

Meaning of the Word "Government."—In the Latin language the word *gubernator* means *a pilot, a steersman, one who guides;* and from this word *gubernator* we derive our word *governor*. A governor, therefore, is one who guides something, and the word *government* means guidance or management. Thus when we speak of the government of a home, we refer to the management of the private affairs of the home; when we speak of the government of a State, we refer to the management of the public affairs in the State. The word *government* will be used a great many times in this book, and we shall learn that there are many kinds of government. We shall speak of "self-government," of "family government," of "school government," of "State government," of "national government." Wherever the word *government* occurs, it will mean *guidance, management, control.*

The Study of Government.—You are now going to study the subject of government; that is, you are going to study

how the affairs of mankind are managed; how men and women are guided in their journey through the world amidst other men and women; how society is held together and controlled. The study is of great importance, and should be of great interest, for the happiness of men depends largely upon the kind of government that guides and controls their lives.

The study of government should interest children as well as men; for children, as well as men, are deeply affected by the government under which they live. In his earliest years the child is under the government of his parents. As soon as he is old enough he is sent to school, where a new government enters into his life and controls his actions. He now lives under the government of the school, as well as under the government of the home. He must obey his teacher, as well as his father and mother. When he goes out into the streets, and parks, and fields, he finds that there is a third government to restrain him and regulate his conduct. If he is very noisy, or if he runs upon flower beds in the park, or if he takes fruit from the orchard of a stranger, he is promptly checked by a policeman or other officer, and may be punished for his offense. This third government which the child must obey is the government of the city, or of the State.

And thus it is all through life; no matter where we go, or which way we turn, government always and everywhere follows us and regulates our actions. If the governments that control us are wise, and just, and kind, we are made happier by them; if they are harsh, or foolish, or tyranni-

cal, our lives are made miserable by them. By studying and understanding the different forms of government under which we live we may prepare ourselves to make them better.

What Government Does for Us.—You have but to look around you to see how great and how useful are the services of government. Government keeps peace and good order among men; it protects life and property; it punishes crime; it keeps an army and navy for the defense of the nation; it supports courts of law where men may find justice; it regulates commerce and industry; it coins and prints the money we use; it collects and distributes our letters; it gives assistance to the poor and unfortunate; it cares for the public health; it supports the public schools; it keeps the streets and roads in repair. Many other services of government might be mentioned, but these are enough to show you that we owe a great deal to government.

Laws.—The rules that governments make to guide our actions are called *laws*. A law states what we are to do and forbids what we are not to do. When a law has been made it must be obeyed. No man can disobey a law without being liable to punishment for his disobedience. We may not like a law, we may think a law unjust or unwise, yet so long as it is a law we must obey it. Moreover, when a person violates a law, he is punished, even if he did not know there was such a law when he violated it. Ignorance of what the law is will excuse no one. Laws are made for the government of us all, and if we do not know what they are it is either our fault or our misfortune.

How laws are made and changed, and how people are forced to obey them, and punished for disobeying them, will be explained hereafter. At present it is enough to know that any government worthy of the name is always strong enough to enforce the laws that are made. It is the duty of all who live under a government to obey the laws of that government without being compelled to do so. If we think a certain law is bad, it is our right and our duty to try to have the law changed. Are you compelled to obey any laws that you think are unjust?

QUESTIONS AND EXERCISES

1. What is the meaning of the word *governess? governmental? ungovernable? gubernatorial?*

2. Explain the use of the "governor" on a steam engine.

3. Name the people whom you know to be officers of government.

4. What would happen if people on the street were allowed to do just as they pleased?

5. What is a hermit?

6. Of the services of government mentioned in the lesson which stands first in importance? Which stands second? Which third? Which fourth? Give reasons.

The Stocks—an Old-fashioned Punishment

II. THE GOVERNMENT OF SELF

"He that ruleth his spirit is better than he that taketh a city."—*Bible.*

Self-Control.—Before you begin to study the different forms of government under which we live, I wish to call your attention to something that is at the foundation of all government. I wish you to think for a few moments upon the subject of the government of one's self, or *self-control.* You doubtless feel in yourself the power to control your own actions in many ways. You can be studious, or you can be idle; you can be respectful, or you can be impudent; you can be kind, or you can be cruel. I think you will not deny that there is within yourself a government which controls your private actions; a *will* that directs the actions of your mind and body.

We should constantly be asking ourselves whether our wills are carrying us in the right direction. True self-control consists in deciding to do what is right and *doing* it. Anger, appetite, laziness, envy, jealousy, pride, revenge, tempt us to do wrong. Love, duty, conscience, whisper to us to do right. For which shall we decide—for the wrong or for the right? If we decide for the wrong, we may in the end become the slaves of our passions and be destroyed. For which, then, shall we decide?

Self-Control can be Cultivated.—I believe you all think that you ought to control yourselves and do right, but

some of you may feel unequal to the task of always doing right. Now, self-control lies in the will. If your will is strong, you will be able to govern yourself under the most trying circumstances; if it is weak, you will not. But remember this: A weak will can be strengthened by exercise, just as an arm can be strengthened by exercise.

If a boy who has learned to smoke feels that smoking is injuring him, he should leave off the habit at once. When a cigar is offered to him he should refuse to take it. This may be hard to do at first. Let him refuse a second time and he will find it easier; a third time he will find it still easier. By continuing to refuse he will at last find that his desire to smoke is gone. His will conquers his appetite and he is master of himself.

If a girl who indulges in the ugly habit of saying spiteful and untruthful things about her acquaintances becomes ashamed of herself and desires to do better, she should begin by exercising and strengthening her will. When she hears some one saying unjust things about another, instead of helping along with the abuse, she should keep silent, even if she must bite her tongue to do so. By refusing for a time to speak falsely or unjustly about people, she will find that it is not necessary to bite her tongue to prevent herself from joining in when she hears slanderous remarks. She will probably be inclined to use her tongue either to rebuke the slander or to say something good about the person slandered.

Young people will find that a strong will bent on doing right will carry them safely past temptation.

The Reward of Doing Right.—Thoughtless young people sometimes ask: "What is the use of doing right? What is the use of checking bad impulses and exercising self-control?" If you will look around you, and reflect upon what you see, you will find an answer to this question. You will find that the people who exercise control over themselves are happier than those who are carried along by passion and appetite.

Sometimes, it is true, wicked and violent men seem to prosper and even to be happy. But they are not really happy. If you could learn the secret of their lives, you would find that bad, dishonest men lack one thing that is more precious than anything else in life. They may have wealth, and honor, and high social rank, but they have not their own *self-respect*, and no one can be truly happy without this. With self-respect one can never be thoroughly unhappy. You may be unfortunate or unsuccessful; people may scorn you or neglect you, yet if you always firmly do the right thing, you will always have a good conscience and your own self-respect.

The Government of Self the Foundation of All Government.—There is another reward for those who exercise a strict control over themselves. Their government of self makes them good citizens and fits them to take part in the government of others. A community is composed of individuals, and the character of its government will be like the character of the individuals who compose it. If it contains a large number of rogues, swindlers, idlers, drunkards, then its government will certainly be bad, for

the government of a people is never much better than the people themselves. If a community consists of honest, industrious, moral citizens, then it will have a good government. Good government begins with the individual, it begins with *you* personally. If you intend to take a part in public affairs when you grow up, and if you intend to help in making your government better, you should begin by trying to order your own life aright.

QUESTIONS AND EXERCISES

1. Learn the following facts about the will:

(*a*) The will grows strong by exercise.

(*b*) The will may be assisted by favorable surroundings. If you determine to leave off an old habit and form a new one, put yourself under favorable conditions, make new associations, avoid temptations, take advantage of every outward aid.—*James.*

(*c*) The will should never lose a battle.

(*d*) The will should act when it is called upon to act; it should never shun a battle.

(*e*) We may strengthen the will by doing things now and then simply because we don't want to do them.

2. Name the faults which stand opposed to each of the following virtues: *courage, perseverance, industry, cheerfulness, simplicity, self-reliance, liberality.*

3. Arrange the following virtues in the order of their importance, placing the most desirable virtue first: *temperance, truthfulness, frugality, prudence, honesty, modesty, unselfishness, patience, charitableness, reverence.* Give reasons for your arrangement.

4. Arrange the following faults in the order in which you dislike them, placing the fault you dislike most first: *anger, stinginess, revenge, hypocrisy, tardiness, jealousy, self-conceit, envy, cruelty, stubbornness.*

5. Define conscience. When you do wrong, is it the fault of your conscience or of your will? How may the conscience be improved?

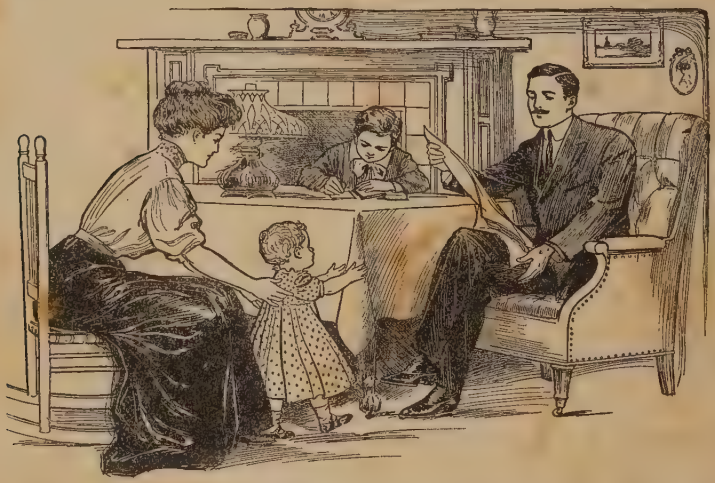
III. THE FAMILY

"There is in the family an angel possessed of a mysterious influence of grace, sweetness, and love; an angel who renders our duties more cheerful and our sorrow less bitter. This angel is woman. Whether as mother, wife, or sister, woman is the joy of existence. She is a treasure of gentle consolation sufficient to soothe every sorrow. It is through woman that the family points to Eternity. Hold then the *family* sacred, my brothers. Reject every attempt to undermine it, for it is of God."—*Mazzini.*

Husband and Wife; Marriage.—The government that comes closest to the lives of young people is that of the family. At the head of the family stand the father and mother, who are united as husband and wife by marriage. Marriage is regarded by the law as a contract, but it is a very strong contract, and it ought to be a very sacred one. It is a contract that cannot be, and ought not to be, easily broken. Marriage is the bond which holds the family together, and it is of the utmost importance to us, both as individuals and as a people, that the family be held together as firmly as possible.

The blessings of the family as an institution ought to be ever before our eyes. In the family we grow in character as we can grow nowhere else. In no other place can we learn the lessons of devotion and sacrifice and unselfishness that we learn in the home. Besides being a nursery of virtues and a source of happiness for its individual members, the family brings countless blessings to society

at large. Indeed, we may say that the family is the foundation upon which all society rests. If you should destroy the family, you would destroy cities and States and governments and even civilization itself. And just as the family holds society together, so the marriage tie holds the family together. This great truth should



never be forgotten. Nations have sometimes forgotten it, and they have always suffered for doing so.

Parents and Children.—Parents regulate the conduct of children, protect them, educate them and provide them with shelter, food, and clothing. It is in the home, while members of the family, that children must look for their greatest happiness. The law that should govern, and that usually does govern, in the family is the law of love and duty. Parents, as a rule, devote their lives

to the happiness of their children. What should children do in return?

It has been found that parents are not always kind and loving and just towards their children, and that children are not always grateful and obedient to their parents. It sometimes happens that the parent or the child fails to do his duty. When this does happen, the government of the State steps in and commands what must be done. Let us learn something of the rights and duties which the law will not allow parents or children to disregard.

The Duties of Parents to Children:

(1) *Support.*—The first duty the parent owes to the child is to support it, to provide it with food, clothing, and shelter. If a father should be so hard-hearted as to turn his child out of doors and refuse to give it food, a stranger could take the child into his house and feed it and charge the father with the expense, and the law would compel the father to pay the bill. This duty of parents to support their children continues until the children are twenty-one years of age. After that time children may not look to their parents for support. It is not often that the law interferes with the parents in these matters; love alone is nearly always strong enough to hold them to their duty.

(2) *Education.*—A second duty which parents owe to their children is to educate them. In many of the countries of Europe, and in most of the States of our own country, parents are compelled by law to send their children to school. In every State schools are provided for

children free of cost, and parents are expected to send their children to them.

The Rights of Parents in Respect to their Children.—Parents have not duties only; they have rights also.

(1) *Obedience.*—They have the right to the obedience of their children. The child must obey its parents in all reasonable commands. If it refuses to obey, it may be punished in such manner as the parents think fit. The punishment, however, must be reasonable; it must be such as not to endanger the health of the child or injure it in mind or body.

(2) *Service.*—Parents have the right to the service of their children. Until children are of age they must work for their parents if their parents need their service. If they earn wages, their parents have a right to take their earnings.

(3) *Assistance in Old Age.*—If the parents are old and poor and unable to take care of themselves, their children may be compelled to assist them. Just as parents are compelled to support the child when it is young and helpless, so the child is compelled to support its parents when they are old and helpless.

Importance of the Family Government.—The government of the family is the smallest of the governments that we shall have to study, but it is not the least important. A town or State is simply a number of families bound together, and if all the families of a town or of a State were well governed, there is no doubt that the town or the State itself would be well governed. You see how important,

then, it is that we should do all in our power to make our homes what they should be. Children can serve their country simply by doing their duty in their homes. They can repay the love and sacrifice of their parents by loving and unselfish deeds. Brothers and sisters may bless their homes by living at peace with one another. We should never forget that *the law of the home is the law of love, service, and sacrifice.*

QUESTIONS AND EXERCISES

1. What is the average number of persons in a family in your neighborhood? (Find the number of persons in the families of your acquaintance and divide this number by the number of families.)
2. Are parents responsible for the actions of their children?
3. Who is the most unselfish member of the home?
4. Is it a kindness for parents to live beyond their means for the sake of their children?
5. Name some bad habits that children are guilty of in their homes.
6. What sacrifices do parents make in order that their children may be kept at school?
7. How may parents be repaid for these sacrifices?
8. Make out a list of those virtues that are good for the home.
9. (Not to be answered in the class but to be answered silently.) Are you doing what you can to make your home happy? Are you allowing jealousy to enter into your home life? Are you as unselfish in your home as you should be? Are you tyrannical and willful in your actions?

IV. THE GOVERNMENT OF THE SCHOOL

"The school should be pervaded by a spirit of honesty and truthfulness. It should inspire its pupils with a manly resistance to all temptations to deceive or be false."—*E. E. White.*

Pupils Should Know Something of School Government.—For several years you have attended school, and while in school you have found that you are under a government; that you cannot do as you please; that teachers and school officers regulate your conduct in many ways. This government of the school, in the lives of young people, is next in importance to the government of the family. The present happiness, as well as the future welfare of pupils, depends in a large degree upon how the school which they attend is governed. Pupils, therefore, should understand something of the nature of school government. If you will study this subject carefully, you will understand your teachers better, and your school life may thereby be made

A Schoolhouse

pleasanter. Very frequently trouble arises in a schoolroom merely because the teacher and the pupils do not understand each other.

School Officers.—At the head of the school is a body of officials whose duty it is to appoint the teacher and supervise the affairs of the school. This governing body may control only the one school, or it may control several. It is known by different names in different States. In some States it is called the School Committee; in others, the Board of School Trustees, or the Board of School Directors, or the Board of Education. In a few States it is called the Board of School Visitors. The governing body is either elected by the voters of the district or is appointed by some other authority. In all the States every public school has a set of officers,—whatever they may be called,—who exercise a very close and a very complete direction of its affairs. In other words, every school has its governors and its government.

The Powers and Duties of School Officers.—The school officers have at their disposal for school purposes a certain amount of money raised by taxation. With this money they pay the salary of the teachers, build and repair schoolhouses, furnish the schools with fuel, furniture, maps, books, and other supplies. They make rules for the government of teachers, and sometimes declare what studies shall be taught. They may make rules for the government of pupils if they choose to do so, although generally they allow the teachers to make such rules. In all important matters relating to the school the teachers must

consult the school officers. For example, a teacher may send an unruly pupil home for a short time, but he seldom has the power to expel the pupil; that is, it is only the school officers who may take away from the pupil entirely the right of coming to the school. These officers determine the hours of opening and closing school; they fix the lengths of recesses; they decide when a holiday may be given; they care for the health of the pupils. Thus we see that they play a most important part in the government of the school.

The Teacher.—Next to the school officers in the government of the school comes the teacher. So far as the pupils are concerned, the teacher is the real head of the school. The duty of the teacher is twofold,—he must teach, and he must govern. As there can be no good teaching where there is not good government, the teacher must make every effort to secure obedience and good habits in his pupils. In order to do this, he usually makes a set of rules for the guidance of the school. If these rules are just and reasonable, the pupils must obey them. If a pupil refuses to obey a proper rule, he may be punished for his disobedience; if he persists in disobeying, he may be expelled from the school.

What are some of the rules that a teacher may make and that pupils must obey? In the next lesson I shall mention a few of those rules that judges in courts of law have found reasonable and have upheld teachers in enforcing. The rules that will be mentioned are such as no pupil can safely disobey.

QUESTIONS AND EXERCISES

1. What is the governing body of your school called? How is it chosen? What are the names of its members? Make out a list of its powers.

2. Do you know the boundaries of your school district? Draw a map of the district, locating the schoolhouse.

3. May a pupil living in one school district attend school in another?

4. In some States women may serve as school officers. Do women serve as school officers in your school district? May women vote for school officers in your school district?

5. Draw up a formal petition asking your School Board or Committee to purchase something that your school needs.

6. Is a pupil on his way to or from school under the government of the school or under the government of his parents?

V. THE GOVERNMENT OF THE SCHOOL (*Continued*)

"The seven cardinal virtues of the school are regularity, punctuality, neatness, accuracy, silence, industry, and obedience."
—*E. E. White.*

Rules that Pupils Must Obey:

Rule I. *Pupils must not be tardy.*—"Tardiness is a direct injury to the whole school. The confusion of hurrying to seats, gathering together of books, etc., by tardy ones, at a time when all should be at study, cannot fail to impede the progress of those who are regular and prompt in attendance. The rule requiring prompt and regular attendance is demanded for the good of the whole school. It is therefore a rule for the government of the school, and must be regarded as proper and reasonable."

Rule II. *Pupils must conduct themselves properly while at school.*—"Henry H—— was expelled from school by the Committee of Rockport, M——, for acts of misconduct, which consisted of whispering, laughing, acts of playfulness and rudeness to other pupils, inattention to study, and conduct tending to cause confusion and distract the attention of other scholars from their studies and recitations." Henry thought the expulsion was unjust, and brought suit against the Committee. The judge who tried his case thought that the boy was justly expelled, and decided in favor of the Committee.

RULE III. *Pupils should be regular in attendance.*—Pupils may be forbidden to remain absent from school without a satisfactory excuse. They may be required to bring written excuses for absence. On this rule a judge, delivering an opinion in court, said: "Continued or repeated absences of one of a class are not only injurious to the absentee but, if allowed beyond a certain point, are calculated to demoralize those who attend and derange the orderly instruction of the teacher." Notice that the judge was not so much interested in the boy who was absent as he was in the pupils who were regular in their attendance. It is the welfare of a whole school, and not the welfare of a single person, that must be considered when making a rule for the government of pupils. In what ways does absence interfere with the general work of the school?

RULE IV. *Pupils must not play truant.*—When a child that has been sent to school by its parents does not come to school, it commits truancy, and this is an offense against good school government. In some States and in many cities truant officers are employed to follow up truants and bring them to school. Truancy is a grave fault, and pupils who commit it are liable to find themselves in serious trouble. A judge in a court of law is usually severe with truants. What does the truant lose by remaining away from school? What does the school lose?

Duties of Teachers and Pupils.—The few rules that have been given are such as have been found necessary in all schools. In all schools children must be punc-

tual, they must be obedient, they must be regular in their attendance, they must not play truant. Many other rules might be mentioned, but more are not necessary. After all, a school is not made good by rules. A good school is one in which both teachers and pupils try day by day to do their *duty*. What is meant by duty? What is it to do one's duty? You do your duty when you do what your conscience tells you is right. Try to find out what is right, and when you have decided what is right, act for the right, and you have done your duty. It is sometimes hard to tell what is right and what is wrong, but some things are pretty clear.

It is perfectly clear that it is the duty of the teacher to do the following things:

(1) To prepare himself thoroughly in the subjects that he teaches.

(2) To work hard for the advancement of all his pupils.

(3) To treat his pupils with respect and kindness, and to extend to them, whenever he can, help and sympathy.

(4) To set an example of right living. A bad man cannot be a good teacher.

(5) To be punctual. A teacher cannot expect his pupils to be prompt if he allows himself to be tardy.

(6) To be careful of his own health and of the health of his pupils.

(7) To train his pupils in such habits as will make good men and women of them.

These are a few of the duties of a teacher. Your teacher has doubtless thought much upon the subject of his duty,

and has perhaps read books upon the subject. It would not be strange if you have thought very little of your duty; yet as pupils you have your duties, and you ought to learn what they are and try to fulfill them. A few of the most important duties of pupils are:

(1) To obey cheerfully the four rules that have been stated.

(2) To avoid wasting their own time or the time of their fellow-pupils by whispering, passing notes, or making unnecessary noises in the schoolroom.

(3) To be kind and respectful to their teachers and schoolmates.

(4) To be truthful in all things.

(5) To be loyal to the school and to support the teacher in his efforts to improve it.

(6) To be neat and clean in dress and person.

(7) To avoid speaking ill of their classmates.

(8) To avoid slandering or misrepresenting the teacher.

(9) To avoid bearing tales.

(10) To refrain from cutting, marking, injuring, or defacing school property.

(11) To obey all signals promptly.

(12) To conduct themselves properly on the way to and from school.

There are, of course, other duties besides those mentioned above. In the schoolroom, as elsewhere, there are constantly arising questions of duty that can be settled only by taking into consideration particular facts and circumstances. In all cases, however, the rule is the

same: Do right, forget self, and do what your conscience tells you to do. By following the path of duty a pupil will help to make his school what it ought to be—a place where the minds and hearts of boys and girls are trained for the highest manhood and womanhood.

QUESTIONS AND EXERCISES

1. From the list of duties of pupils given in the lesson a most important duty is omitted. What is the duty?
2. Make a list of duties that parents owe to the school.
3. Make a list of duties that teachers owe to parents.
4. Name the qualities that teachers like in pupils.
5. Name the qualities that pupils like in teachers.
6. When things go wrong with pupils at home, do they ever take their spite out in the schoolroom?
7. What does the word *impartial* mean? Can a teacher be perfectly impartial?
8. In your conduct towards your teachers and schoolmates, do you follow the "golden rule"?
9. Discuss "cheating" and "copying."
10. Name some of the benefits of education.

VI. CITIZENSHIP: WHO ARE CITIZENS

"The ideal citizen is the man who believes that all men are brothers, and that the nation is merely an extension of his family, to be loved, respected, and cared for accordingly."—*Habberton.*

Introduction.—We have studied the government of the family and the government of the school, and have learned something of the rights and duties of the members of a household, and also something of the rights and duties of pupils and teachers. The governments that we shall study hereafter are those that we meet outside of the family and school. They are governments that include a much larger number of people than either the family or the school. A family seldom consists of more than a dozen persons, while the school seldom numbers more than several hundred pupils. But the larger governments that you will be interested in when you go out from school consist of many thousands, and some of them of millions, of people. They are governments, therefore, far more difficult to understand than that of the family or the school.

We shall be able to understand the workings of the larger governments better if we first learn something about the subject of citizenship. Since this is a very great subject it will take several lessons to dispose of it properly.

Meaning of the Word "Citizen."—Let us begin our study of the great subject of citizenship by trying to learn what is meant by the word *citizen.* In the strict

meaning of the word a citizen used to be one who had the rights and privileges of an inhabitant of a city; but the word now means more than this. A citizen is one who has the rights and privileges of the inhabitants of a State or nation. As a member of the family you have certain rights and duties under the family government; as a member of a school you have certain rights and duties under the government of the school; and so, as one of the inhabitants of a nation, you have certain rights and duties under the government of that nation.

Any one born in a country is a citizen of that country. If you were born in the United States, you are a citizen of the United States. The rank of citizen does not belong to grown men alone, for women and children are as truly citizens as men are. To be a citizen is simply to be a recognized member of a community, and one test of such membership is birth within the community.

Aliens.—But there are many people among us who were not born in the United States. Thousands come to our shores every week from foreign countries. A foreigner is a citizen of another country, and is for that reason called an *alien*, a word which means *another*. Aliens have not so many rights and privileges as citizens have. As a rule they are not allowed to vote, and in some States they are not allowed to hold land in their own names. As they are citizens of another country it is not just that they should share all the privileges of citizens of this country. A person cannot be a citizen of two different countries at the same time.

Naturalization.—Many of the aliens living among us continue to be citizens of the country in which they were born. Yet if they so desire they can be naturalized, that is, they can be made citizens of our country by a process of law called *naturalization*. Before an alien can be naturalized, he must have lived five years in this country.

An alien who wishes to be naturalized must first go into some court of law and declare upon oath before a judge that

Immigrants Arriving at Ellis Island, New York

he intends to become a citizen of the United States. This is called "declaring his intention." Not less than two years nor more than seven years after he has declared his intention, the alien must again appear in court and swear that he renounces forever all allegiance to any foreign country and especially to the country of which he is at the time a citizen. He must also swear to support the Constitution of the United States. If the judge finds that the alien is able to speak the English language and write his own name, that he has resided in the United

States for five years, and that he is a person of good moral character, the alien will then be declared to be a citizen of the United States and will have the same rights as native-born citizens, except that he can never become the President or Vice President of the United States.

There are certain classes of aliens who are not allowed to be naturalized, no matter how long they may live here. Alien Chinese and Japanese cannot be naturalized and therefore cannot become citizens of the United States. Anarchists—persons opposed to all forms of organized government—are also refused the gift of naturalization.

QUESTIONS AND EXERCISES

1. What is the difference between a *citizen* and a *subject?*
2. What is an *immigrant?* An *emigrant?*
3. What is meant by the word *allegiance?*
4. What body makes the rules governing the process of naturalization? (Examine the Constitution of the United States, Art. 1, Section 8, Clause 4.)
5. Do you think these rules are wise and just? Would it be right to require that aliens, before they are naturalized, should be able to read the Constitution that they swear to support?
6. What is meant by the word *expatriation?* Should a person be allowed to expatriate himself in time of war?
7. Are there many foreigners (aliens) in your neighborhood? If so, of what countries are they citizens?
8. Would you make it easier or more difficult for foreigners to be naturalized?

VII. CITIZENSHIP: CIVIL RIGHTS

"What is liberty without wisdom and without virtue? It is folly, vice, and madness."—*Edmund Burke.*

Civil and Political Rights.—We shall now learn of those rights of which American citizens are so proud. The rights of the citizen may be divided into two classes: (1) his civil rights, and (2) his political rights. Civil rights are those that are enjoyed by all citizens, whether men, women, or children. Political rights are such as adult citizens have of sharing in government. Thus the right to vote and the right to hold office are political rights. In this lesson and in the next we shall learn of civil rights. Nearly all civil rights are possessed by aliens as well as by citizens.

The Right to Personal Security is the right to be secure from injury to body or to health. If a person is attacked, if violent hands are laid upon him, he can call upon the government to defend him. Policemen, sheriffs, and constables are employed at public expense to secure citizens from harm. If a citizen is attacked, and he cannot get the immediate aid of an officer, he has the right to defend himself. If a burglar breaks into a house at night, the occupant of the house, in defense of himself and family, may lawfully kill him. If a citizen is threatened harm by a person, he may have the one who threatens him taken before a magistrate and bound with sureties to keep the peace. If the health

of citizens is threatened by some nuisance, as by poisonous fumes from a factory, or by a careless accumulation of filth, the citizens may call upon the government to have the nuisance removed or abated. In these and in many other ways the government cares for the personal safety and happiness of the citizen.

Personal Liberty; Habeas Corpus.—Another right that all citizens enjoy is the right of personal liberty. By this is meant the right to move about freely from place to place without hindrance, to choose a place of residence, and to engage in whatever occupation one may see fit. Of course while you are under the charge of your parents you cannot enjoy this right so fully as you will when you shall come of age.

The right of personal liberty is one of the most valuable rights that free men possess. In olden times a powerful man could throw a humble man into a dungeon and keep him there as long as he desired. In our day such a wrong cannot be inflicted upon a citizen. No citizen in this country may be imprisoned by a private person, nor may any one be imprisoned at all without just cause. If a person is thrown into prison, or is put into confinement against his will, he has the right to a writ of *habeas corpus*. Every one should know something of this famous writ, for it is the greatest safeguard of personal liberty.

Let us see what the writ of *habeas corpus* is and what it does for the citizen. Suppose you are thrown into prison unjustly, or that you are confined in some place against your will; how shall you get out? Somebody who is in-

terested in you, perhaps it will be a lawyer, will go at once to a judge of a court and ask that you be taken out of prison immediately and brought before a judge in order that your case may be heard. The judge is bound to grant this request; he is bound to have you brought before him at once. He at once issues a writ of *habeas corpus*. This writ is an order to the sheriff, or whoever it is that is keeping you in confinement, to bring you before the court. When you are brought before the judge, if it is found that you are wrongfully confined, you are restored to your freedom. If the judge should find that there is good reason for believing you have committed a crime, he will send you back to jail to await a regular trial. Thus we see that the writ of *habeas corpus* gives quick relief to a person who has been unjustly imprisoned. In times of war or great public danger, this writ may be *suspended*, and when it is suspended a citizen may be confined in prison for no cause whatever.

The Right of Private Property.—A citizen has the right to hold property in his own name, and the government must protect him in the enjoyment of this property. If any one attempts to deprive a man of something that he lawfully owns, the government will come to the aid of the owner and will punish the offender. If a mob burns down a house, or in some other way destroys property, the local government can sometimes be compelled to make good the loss to the owner. It is the duty of the government to protect property, as it is the duty of the government to protect life and liberty.

Besides the right to enjoy in peace the property one owns, one has the right to acquire more property by labor or by trade or by the exercise of one's talents. This right of acquiring property is sometimes abused. In the pursuit of wealth a man has no moral right to disregard the just rights of others. Too often men think only of themselves and do not hesitate to take for themselves what in strict right belongs to some one else. But no truly good citizen will do this. A good citizen will follow the rule: Render unto others their due. We cannot all be rich, but we can all be honest and just.

QUESTIONS AND EXERCISES

1. Read Green's "Short History of the English People," chapter III, and prepare a composition on "King John and the Great Charter."
2. What do the words *habeas corpus* mean? What does the constitution of your State say about the writ of *habeas corpus?*
3. A farmer shot and seriously injured a boy who was in his tree stealing chestnuts. Ought the farmer to have been punished for this act?
4. What rights are declared in the Declaration of Independence?

VIII. CITIZENSHIP: CIVIL RIGHTS (*Continued*)

"Liberty is part of the precious heritage which our God brought down with him from heaven to the earth and left to us, his sons. Let no one therefore marvel that we should hold it beyond all price, dearer to us than our lives."—*Cardinal Gibbons.*

The Right of Religious Freedom.—The American citizen is free to worship God according to the dictates of his own conscience. In many of the countries of the world the citizens are compelled to help in the support of some particular church known as the Established Church, but in the United States the government has nothing whatever to do with religion. You can choose your own church and can give towards its support as much or as little as it suits you to give. You may believe and worship as you please without losing any of your rights as a citizen, although in a few States a person must believe in a God or he will not be allowed to hold certain offices. Perhaps there is no country in the world where the citizens enjoy greater freedom in religious matters than is enjoyed in America.

The Right of Freedom of Speech.—As a citizen you are free to speak and write on any subject, but you must not abuse this right. If you *slander* a person, you take from him his good name, and that is much worse than it would be to take from him his coat or his watch. So our freedom of speech will not permit us to slander our neighbor

or talk about him in such a way as to lower his standing in the community. The government will defend a person's reputation as faithfully as it defends a person's property, and courts will award damages for slander as quickly as for destroying property.

The Right of Freedom of the Press.—Along with the right of free speaking goes the right of free printing. A citizen is free to print and publish his sentiments and thoughts on any subject, and no law will take this right away from him. But here again the privilege must not be abused. If a person publishes false and malicious statements about another he is guilty of an offense known as *libel*, and the laws regard libel as a crime and will punish it as such. Very often the newspapers in their criticisms of people go too far, and sometimes it seems that the freedom of the press is really a bad thing. But as a matter of fact our free press, in spite of its shortcomings, is one of our greatest blessings. If we should take away from the newspapers their freedom to print what they please, we should do great harm to all kinds of freedom. A free press means a free country.

The Right of Assembly.—American citizens have the right to come together and discuss in public such questions as they may care to discuss. At their meetings the people are free to express their views and declare their purposes fully and freely. Public meetings, however, must not be violent or disorderly, and they must not lead to violence or lawlessness. If a number of citizens should come together for the purpose of making plans to over-

throw the government, the police would interfere and break up the meeting.

The Right of Petition.—A citizen has the right to be heard on all questions concerning the public welfare. If you think a certain law ought to be passed you have a right to ask the lawmaking body to pass it. If you think the government should follow a certain course of action you have a right to make known your wishes and desires to the officers of government. In making your petition, however, you must be quiet and peaceable and must do nothing disorderly and unlawful.

The Right of Protection in the Home.—The American citizen is protected in the enjoyment of his home. No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except in a lawful manner. Soldiers, in other words, are not allowed to enter a home and disregard its sacred privileges.

Nor may officers of government disregard the sacred character of the home. People are secure in their homes against unreasonable searches, and no officer may enter a house for the purpose of searching it unless he has a warrant written out by the proper magistrate. And no magistrate is allowed to issue a warrant for searching a man's house unless there is good evidence to show that the house ought to be searched. There are times, it is true, when a man's house may be entered without a written warrant, as when a cry of murder is heard within, or when it is known that a criminal is concealed within,

but, generally speaking, a man's house is his castle and no person may enter that castle without a proper warrant.

The Right of Due Process of Law.—No citizen of the United States can be deprived of his life, his liberty, or his property without due process of law. What is meant by due process of law is not very easy to learn, for each of the States has its own law, and what is due process in one State may not be due process in another. Still if you will read carefully the fifth, sixth, and eighth amendments to the Constitution of the United States you can form a very good notion of the rights that come to you through the right of due process of law; for there are similar provisions also in the constitutions of the States. According to these amendments—

(1) A person accused of a serious crime must first be indicted by a grand jury and then be tried by a petit jury.[1]

(2) In cases where the punishment is death, a person shall not be tried twice for the same offense.

(3) A person shall not be compelled to be a witness against himself.

(4) A person accused of a crime must be informed of the nature and cause of the accusation, must be brought face to face with his accusers, must have power to bring into court witnesses in his favor, and must have a lawyer to defend him.

(5) Excessive bail[1] shall not be required, excessive

[1] The jury system is explained on pages 146–148; bail on page 145.

fines shall not be imposed, cruel and unusual punishments shall not be inflicted.

The Right to Equal Protection of the Laws.—The government in its dealing with persons must treat all alike. It must not make fish of one and fowl of another. All persons, whether they be black or white, rich or poor, humble or high, citizen or alien, are equal in the eye of the law and must receive the equal protection of the laws.

The Right of Protection on the High Seas and in Foreign Lands.—In whatever part of the world an American citizen may go, whether he is out on the ocean or in China or Persia or Denmark, his citizenship goes with him to protect and defend him. When you are in a foreign country you must abide by the laws of that country, but if the government of a foreign country should treat you unjustly the United States would stretch out its powerful arm to protect you.

EXERCISES

1. Memorize:

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls;
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.—*Shakespeare.*

2. Read Green's "Short History of the English People," chapter VIII, and write a composition on "King Charles I and the Rights of the People."

3. Make out a list of the rights of citizenship mentioned in Lessons VII and VIII; arrange these rights in the order of their importance, placing the most important right first.

IX. CITIZENSHIP: WHO ARE VOTERS

"Voters are the uncrowned kings who rule the nation."—*Morgan.*

The Right of Suffrage.—Civil rights, we have learned, are those rights enjoyed by all citizens, old and young, rich and poor, educated and ignorant. Political rights are enjoyed only by those citizens who are old enough and wise enough to exercise them properly.

The greatest political right of citizens is the right of suffrage. The word *suffrage* is derived from a Latin word which originally meant a piece of a broken pot; for in olden times a man was voted for by casting for him potsherds, or pieces of broken pottery, instead of ballots. The right of suffrage is the right of voting. Voters are sometimes called *electors*, that is, *choosers*. To vote is to express a choice for this or that man for an office, or for the enactment of this or that law.

What citizens are voters or electors? Answers to this question will be different in the different States of the Union, for the right of voting is given by the State. In every State, however, there are certain qualifications, certain marks of fitness, required of a citizen before he is allowed to exercise the right to vote. These qualifications are:

(1) *Age.*—To be a voter one must be at least twenty-one years of age. It is thought that a person younger than

this does not know enough to vote intelligently, and such is usually the fact.

(2) *Sex.*—In most of the States a voter must be a male citizen. In Wyoming, Colorado, Utah, Idaho, Washington, California, Arizona, Kansas, and Oregon, women share the right of suffrage equally with men. In these nine States women may not only vote, but they may hold office and otherwise take part in public affairs. In many of the States women have the right to vote upon school matters and women taxpayers may vote upon questions on which only taxpayers have the right to be heard.

(3) *Residence.*—A citizen may not vote until he has lived a certain time in the State, and in the city or county in which he desires to cast his vote. A stranger coming into a place should not be allowed to take a part in its government until he has first had time to inform himself upon public matters. For this reason every State requires that a citizen shall "gain a residence" before he is permitted to vote. In a few States he must wait two years before he can vote, in most of the others one year, but in some States a residence of only six months is required.

(4) *Property; Poll Tax.*—In times past a citizen was not allowed to vote unless he was the owner of a certain amount of property, but in our day a man may vote even though he owns no property at all. In a few States there is a small poll tax that every male citizen of age must pay, no matter how poor he may be. If this poll tax is not paid, the right to vote is withheld. If we except this poll tax, the right to vote is given to all without any expense.

(5) *Education.*—In most of the States the right to vote is given to the ignorant as well as to the educated. A person may not be able to read or write his name, and yet may vote. Of course such a person seldom knows what he is doing; he cannot make an intelligent choice; he either votes blindly or he votes as some one tells him. Several States demand that a person shall be able to read and write before he is allowed to vote.

Persons Who May Not Vote.—There are several classes of men who may not vote, although they are old enough and have lived in the State as long as is required by law:

(1) *Aliens.*—We have learned what is meant by the word *alien.* When an alien has been naturalized, that is, when he has been made a citizen, he then has the right to vote. This is the general rule, although a State may, if it sees fit, allow an alien to vote, and it may refuse to allow a man who has been naturalized the right to vote: for it should be understood clearly that the State gives the right of voting to whom it pleases and withholds the right from whom it pleases. Several States give the suffrage to aliens who have declared their intention to become citizens.

(2) *Criminals.*—A criminal, that is, a person who has been convicted of theft, or murder, or arson, or some other crime, is not allowed to vote. But if a man who was once imprisoned for crime, has been lawfully pardoned, the right of suffrage is restored to him with his freedom.

(3) *Idiots, lunatics,* and *imbeciles* are not allowed to vote.

(4) *Paupers.*—As a rule paupers supported in an almshouse at the expense of the public are not allowed to vote.

Registration.—In most of the States a person who wishes to vote must first have his name registered, that is, he must have it properly enrolled in the list of voters. In every voting district there is a Board of *Registrars*, consisting of two or more persons, whose duty it is to make out a list of the names of all citizens in the district who have a right to vote. As a rule, one wishing to vote must appear before the Registrars several weeks before election day and state his name, age, birthplace, and where he lives. If the Registrars find that he has all the qualifications of a voter, his name will be enrolled upon the voting list—he will be registered.

QUESTIONS AND EXERCISES

1. Ought it to be required of a voter that he own a certain amount of property? Ought it to be required of a voter that he be able to read and write?
2. Do you favor woman suffrage? If so, why? If not, why not?
3. For what reason is the right of voting withheld from paupers?
4. Do you feel that you could now vote intelligently?
5. State accurately the qualifications for voting in your State. (Examine your State constitution.)
6. Is registration required in your State? In all voting districts, or only in cities of more than a certain population? (Examine the Election Law of your State.)
7. Discuss the words *elector, resident, inhabitant, denizen, citizen.*

X. CITIZENSHIP: ELECTIONS

"The proudest now is but my peer,
The highest not more high;
To-day, of all the weary year,
A king of men am I.
To-day, alike are great and small,
The nameless and the known;
My palace is the people's hall,
The ballot box my throne!"—*Whittier.*

At the Polls.—On election day every qualified citizen should go to the polls and vote. The polls are simply a room where several election officers meet for the purpose of receiving and counting the ballots of the voters of an election district. When a voter enters the polls, he gives his name to the officers, who have the registration list before them. When his name is found on the list, it is checked off, and a ballot is given to him. A *ballot* is a slip or sheet of paper upon which are printed the names of the political parties and the names of their candidates for election. The voter takes his ballot and passes into a small booth where he cannot be seen by any one. In the booth he finds writing material and a shelf or desk on which he may write. After he has marked his ballot in a way that shows how he wishes to vote, the voter folds his ballot so that the marks cannot be seen. He then returns to the place where the officers sit, and his ballot is put into a large box, which is usually made of glass.

The foregoing is the method of voting followed in most

States. It is known as the "Australian System," because it was first adopted in Australia. In some States there is a separate ballot for the candidates of each party; the voter is given a set of these ballots, and goes into the booth to make his choice, or to write a new ballot. The Australian system is the best method of voting that has thus

The Polls

far been tried, except perhaps the *voting machine*, which likewise provides for a secret vote. Voting machines are coming into use in some States.

A long time ago men used to vote by calling out in a loud voice the name of their favorite candidate. But this method often led to quarrels and fights, and it had to be abandoned. The open ballot was then tried. By this method the voter cast his ballot before the judges

and bystanders in such an open way that any one who desired could see how he had voted. This led to *bribery.* A sum of money would be given the voter for voting in a certain way, and the man who gave him the money would follow him up to the polls, and watch him to see that he voted the way he was paid to vote. The open ballot also led to intimidation. The voter was frequently afraid to vote the way he would like to, lest he might offend an employer or some one else whom be could ill afford to offend. For such reasons as these voting by open ballot became unpopular, and the Australian or secret ballot system was adopted. This system has its disadvantages. It does not encourage men to come out openly and fearlessly and announce their convictions. Under the secret ballot law a man by guarding his tongue and not letting any one know how he votes, may deprive the community of the influence of his example. It would be better if we could always know how good citizens vote.

The great point in favor of the secret ballot is that it helps to do away with bribery. Under the Australian system it is of little use to give the voter money to vote a certain ticket, for there is no way to follow him up and see if he votes as he promises. If the secret ballot does prevent bribery, then every State ought to have it, for bribery is one of the worst evils in politics. A man who gives a bribe to his fellow-citizen, not only debases that citizen, but he debauches society. A bribe giver is a public enemy. What shall we say of a bribe taker? Is he better or worse than a bribe giver?

Counting the Vote; Majority, Plurality.—Immediately after the polls are closed the counting of the votes begins. The counting is done openly in the presence of a number of people. The candidate for each office who has the largest number of votes is declared elected. Sometimes a *majority* of the votes is required to elect. By a majority is meant more than half of all the votes cast. It often happens, when there are three or more candidates for the same office, that no one has a majority of all the votes. In such cases if a majority is necessary for election there must be a second election. But in most of the States the one who has the highest number of votes is the successful candidate, even if that number is less than half. Election by the highest number of votes is called *election by plurality.*

The Right of Holding Office.—Besides the right of choosing officers to conduct government, it is the right of the American citizen to hold office. The business of government requires the service of a very large number of people. In the towns or counties there must be road commissioners, school trustees, tax collectors, constables. In a city there must be a Mayor and councilmen and a very long list of officials. In the State there must be a Governor, several secretaries, and the Legislature with its senators and its representatives or delegates. In the Nation there is the President with his cabinet and thousands of assistants. It would take many pages merely to name the different offices of the different governments. It is the boast of the American citizen that, no matter what his

rank may be, he has the right to hold any of these offices. Any boy born in the United States may hope to become President. It is true that only four or five of the millions of young Americans now living can ever be President, yet it is also true that those boys who will be our future Presidents may come from the lower walks of life. We have had several Presidents who did manual labor in early life. One of them was a tailor who did not learn to write until after he was married.

QUESTIONS AND EXERCISES

1. Smith, Jones, and Brown are candidates for an office. Smith receives 5000 votes, Jones 4000 votes, and Brown 3000 votes. Does Smith have a majority or a plurality of votes? What is the smallest number of votes that would elect in this case if a majority were required? What does the word *minority* mean?

2. Discuss the evil effects of bribery.

3. Should the office seek the man, or the man the office?

4. Do you know any candidates for office? Are they men well qualified for the positions they are seeking?

5. "A weapon that comes down as still
As snowflakes fall upon the sod
But executes a freeman's will
As lightning does the will of God."

What is the "weapon"? Memorize the quotation.

6. Bound the election district or precinct in which you live.

7. Secure, if you can, a ballot used at an election, and mark it as you would if you were going to vote.

8. Discuss methods of preventing bribery. Would you vote for a man who would give bribes?

9. In what ways are men sometimes bribed without giving them money?

10. Ought candidates for public office to give an account of their election expenses?

XI. CITIZENSHIP: DUTIES OF CITIZENS

"Do what conscience says is right,
Do what reason says is best,
Do with all your mind and might,
Do your *duty* and be blest."

A Few Words about Duty.—For several lessons we have been discussing the *rights* of citizens; in this lesson we shall speak of a few of the *duties* of citizens. We are all inclined to think too much of our rights and too little of our duties. We should never forget that for every right we enjoy there is a corresponding duty. A right has been called the reward of a duty fulfilled, and this is the way to regard duty. After we have done our duty, then we may claim our rights; after we have fulfilled the duties of citizenship, we may in good conscience claim our rights as citizens. Government cannot give to us more than we give to it. If we are careless or selfish in respect to our duties to our government, we may be sure that it will not have so many blessings for us as it would have if we were watchful and faithful in our duty. Let us now learn what duty requires of all good citizens.

Obedience to the Law.—The first duty of a citizen is to obey the laws of his country. Without obedience to law there can be no such thing as good government. Alike in the home, in the school, and in the State, the violation of law is attended with some kind of punishment. When a

law of the State is broken, he who breaks it may be fined, that is, he may be compelled to give up a sum of money, or he may be imprisoned, or he may be both fined and imprisoned. In the case of murder, he who takes the life of another may be compelled to give up his own life. But I do not wish to hold up the punishments of the law before you in order to frighten you. I do not want you to obey the law simply because you are afraid of the punishment that would follow if you should break it. People who obey a law through the sense of fear are likely to break it if they think they will not be discovered. Such people are satisfied if only they can keep out of jail. It is against the law to give a man money for his vote; yet how many citizens violate this law simply because they run but little risk of being detected and punished! A bribe giver is no less a criminal because he escapes punishment. Laws should be obeyed because it is a duty to obey them. It is our right to seek the protection of the law; it is our duty to do the bidding of the law.

Defense of One's Country.—A most serious duty of the citizen to his government is to defend it against its enemies. You boys may at some time in your life be called upon to take up arms and fight for your country. If such a time should come, you should not flinch, but should go forth bravely to the battlefield, prepared to lay down your life, if necessary. But you should not wish for war or try to stir up strife. The good citizen will try to avoid war. Men and nations should live at peace with one another; war is never right unless it is

waged for the purpose of making the world better in the end.

Earning a Living.—Every citizen should try to earn an honest living for himself and those dependent upon him. A man who does not work is a burden upon the community. What he eats and wears is produced by the labor of other people. Now, an able-bodied man who lives upon the labor of others loses his own self-respect and deserves to lose the respect of others. Hence a good citizen will refuse to eat bread that he has not earned, if it is possible for him to earn bread for himself. Sometimes men cannot earn their own living because they cannot find work to do. When this is the case, there is something wrong somewhere, and it is the duty of good citizens to try to discover where the wrong is and to take measures to remedy the wrong. In a land of plenty no strong-armed man, willing to work, ought to be compelled to go hungry or to eat the bread of charity.

The Duty of Studying Political Questions.—Before you enter upon politics you should make a careful study of political questions. As a voter you will be called upon to do work upon a great political machine, for that is what the American government is. Ought you not to be prepared for this work? Ought you not to understand this machine? A person would not begin to work on a watch until he had studied carefully the workings of a watch. Neither should a person meddle with the American government until he knows something about its workings, for it is a machine much more complicated and difficult

to understand than a watch. It has big wheels and little wheels and wheels within wheels curiously and nicely fitted together, each doing its own work, doing it well when voters are wise, doing it ill when voters are foolish. Is it not plain, then, that you ought to begin at once to study this machine so that when you begin to operate it you will know something of its workings?

While you are at school you may prepare yourselves to vote in an intelligent manner when you come of age. You may do this in two ways,—by *reading* and by *discussion*. Read history. You cannot understand the present without understanding the past. Read the lives of great men. The founders of our government were unselfish men. Read what they wrote about government and learn what they did for their country. Read the history of political parties and study their platforms. Read works upon government. Read good newspapers and inform yourselves of the political questions of the day.

But reading is not enough. Along with reading must go discussion. Our government is founded upon free and open discussion. This is why citizens are guaranteed freedom of speech. By talking over a question in a good-natured way with friends we learn a number of things. In the first place, we learn more about the question under discussion. We almost always find that our friend knows something about it that we did not know. Then we learn to express our thoughts more clearly and forcibly. We never know a thing well enough until we can tell it to some one else. Discussion also teaches us to have respect

for the opinions of other people; and this is very good for us. Above all, discussion is good because it leads to the truth.

The Duties of Voters.—When you come to vote you will be glad to have studied political questions, for in the polling booth you will find yourself face to face with duties which, if you fulfill them properly, will require all the knowledge you may have gained. What are these duties? If an intelligent man will ask himself the question seriously he will conclude that he ought at least to do the following things:

(1) To vote whenever it is his privilege to vote.

(2) To vote only for honest men for office.

(3) To accept no bribe and to give no bribe.

(4) To know what he is voting for.

(5) To know something of the character of the person for whom he votes.

(6) To prefer his country to his party.

QUESTIONS AND EXERCISES

1. Can you name a war that was a blessing to mankind? One that was a curse?
2. Would you fight for your country, even if you thought it was in the wrong?
3. Should a citizen obey a bad law? Who shall judge whether a law is bad or good?
4. Explain how a single vote may decide the result of an election.
5. What are some of the things a politician must do?
6. Would you vote for your party even if you thought it was wrong?
7. Of the duties mentioned in the lesson which stands first in importance? Which stands second? Which third? Which fourth?

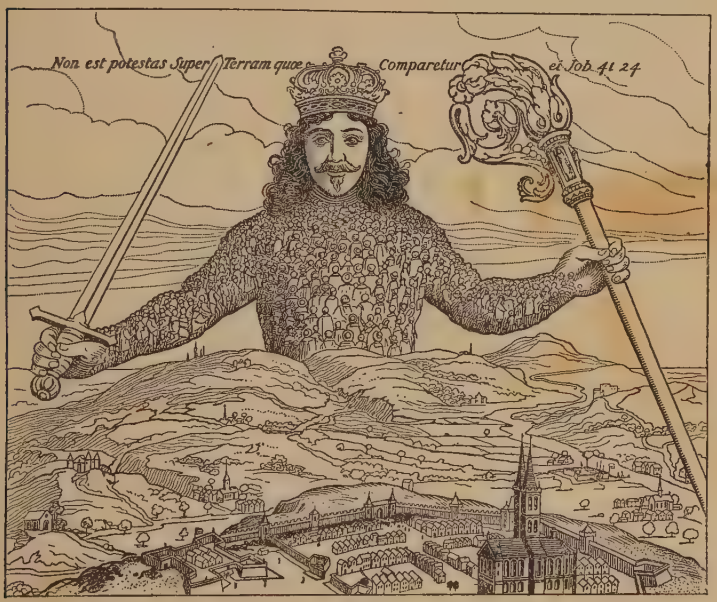
XII. THE POWERS OF GOVERNMENT: MAJORITY RULE

"That government of the people, by the people, for the people shall not perish from the earth."—*Abraham Lincoln.*

Introduction.—Now that we have learned what citizenship is and what are the rights and duties of the citizen, we may begin to study the workings of the government which it is the duty of citizens to operate and keep in repair. And first I want you to learn something about the powers of the American government. When an officer, perhaps a man of small stature, lightly lays his hand upon the shoulder of a big powerful man and tells him to "come along," why does the big man instantly obey? From what source does the officer derive his power? When a body of lawmakers makes a law that no wooden buildings shall be erected in a certain part of a city, why do the landowners there submit and build no houses of wood on their land? Where do the lawmakers get their power to make the law? A judge sentences a man to die, and in a few days or in a few weeks the poor wretch is hurried to his doom. Where does the judge get such power? Such questions as these, questions about the power of government, are of the greatest importance and should receive your most careful attention.

The Power of the People.—In the olden times it was

thought that government came down to men from heaven and that rulers received their offices and their power from God. Only a little more than two hundred years ago a great English writer published a book in which there was a picture representing Government as a mighty giant with a crown on his head, hovering over the earth and



An Ancient Notion of Government

ruling it with staff and sword. Such a picture would not represent government to-day. In our day government is very close to men and is looked upon as a purely human affair. Men plan and build government somewhat as they plan and build houses and battle ships. In this planning

and building the people take a part. Especially is this true in our country. In the United States the people are the complete masters of government. All power flows from them. How do the people manage to make their wants known? By the principle of *majority rule*. When a public question is to be settled or an officer is to be chosen, an orderly vote of the people is taken, and the largest number of votes decides the question or elects the officer; that is to say, the majority rules.

Where government is carried on by the principle of majority rule we have a *democracy*, a word which means "government by the people." The United States is a democracy, because it is governed by the people. When we say this, we mean of course the political people, the voters. The voters express their wishes, and the will of the majority is regarded as the will of all and is the law of the land. This is what majority rule means and is what democracy means. So while studying the simple little contrivance of majority rule we are brought face to face with the greatest and noblest of all political themes—democracy.

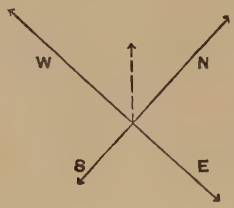
Democracy a Government of Reason.—In the first place you should understand that democracy means something more than the counting of votes. Democracy is a government of reason. Suppose a ball team wanted to decide whether or not a game should be played with a team in an adjoining town; would it do nothing but take a vote on the question? No; that would be very stupid. Before the vote was taken the subject would be talked over: the strength of the rival team would be discussed;

previous engagements would be considered; the expense of the trip would be taken into account. After these and other matters were fully considered the vote would be taken and the result would depend upon the points brought out by the speakers. That would be the right kind of

majority rule, for it would be government by discussion, it would be the rule of reason.

Some boys are playing at push ball. One boy pushes south with a force, we will say, of 75 pounds; a second boy pushes north with a force of 125 pounds; a third boy pushes east with a force of 100 pounds; a fourth boy, more powerful than the rest, pushes west with a force of 150 pounds. The ball does not move directly south, north, east, or west, but yields a little to each boy. The strongest boy, however, does the most in directing the

course of the ball. Now our government is in many respects like a push ball that is being worked at by a



great number of boys pushing in different directions. Sixteen million voters are working at the American government, some wanting it to do this, others wanting it to do that, others wanting it to do still something else. It cannot obey fully the wishes of any single voter. All it can do is to yield a little to each voter and do that which will most nearly please the largest number of voters.

In the case of the push ball, you noticed—and this is very important—that the general movement of the ball was determined by the strongest boy, the boy who pushed toward the west having more to do with the movement than any of the others. In the case of the government it is the same: the voter who goes to the polls with the most knowledge, the one who understands the workings of the political machine and is familiar with public affairs, is going to have a great deal more influence with government than the ignorant voter can have. It is true the well-informed citizen casts into the ballot box but a single vote, but his example and his influence in the community cause others to vote the way he does. Therefore

his power with the government is not measured by one vote but by all the votes he wins over to his side.

Democracy a Government of Justice.—Another great fact of democracy which you will do well to think about at this point is this: the majority must deal fairly with the minority. What is all government for? For what purpose are these armies and navies and courts and officers and laws? Their purpose is to maintain justice among men, to prevent men from suffering any kind of wrong. Now if the majority does not deal fairly with the minority it does the very thing that it is the purpose of government to prevent: it inflicts injustice. And the injustice of a majority is the worst kind of injustice. When a big strong boy wantonly and cruelly pummels a little boy we call the big boy a bully; so if a majority, a big body of men, should maltreat a minority, a small body of men, by taking away their property unjustly, or throwing them into jail without cause, we might properly call the majority a bully. A bully is a tyrant and a majority that does not deal fairly with a minority is both a bully and a tyrant.

The tyranny of the majority is justly regarded as one of the greatest dangers of a democracy. It is dangerous because it is so powerful. In a monarchy the citizens can put an end to the tyranny of their king by killing him, but you cannot kill a majority. There is no way to resist successfully the brute force of a majority if it wants to be cruel or unjust. In a democracy tyranny can be avoided in only one way: the citizens must always vote

for what they think is just and right, and in determining what is just and right they must keep the golden rule in mind. The majority would do well to keep these lines of Shakespeare ever before their eyes:

> Oh, it is excellent
> To have a giant's strength, but it is tyrannous
> To use it like a giant.

QUESTIONS AND EXERCISES

1. How many votes were cast in the United States at the last presidential election? How many votes were cast for the successful candidate? What per cent of the whole population voted for the successful candidate?

2. Why should Civil Government be taught in the public schools?

3. Define the following words: *democracy, aristocracy, monarchy, despotism, oligarchy, anarchy.*

4. Give reasons why democracy is better than monarchy.

5. What countries besides our own have popular governments? Name some of the great monarchs of the world.

XIII. THE POWERS OF GOVERNMENT: REPRESENTATION

"A representative government, made responsible at short periods of election, produces the greatest sum of happiness to mankind."
—*Thomas Jefferson.*

Pure and Representative Democracy.—In the last lesson you learned that our government is a democracy, one that receives its power from the people. Now there are two kinds of democracies, the *pure* democracy and the *representative* democracy. The pure democracy is one in which the voters meet in a body and not only choose officers of government but enact laws as well. In ancient Greece the State was often a pure democracy. For example, when Attica wished to decide any important affair all her citizens, more than ten thousand in number, flocked to Athens and assembled in the Agora, or market place, to discuss the question and vote upon it. In this assembly there were all classes of society,—carpenters, weavers, shoemakers, poets, generals, philosophers. After the question had been fully discussed the vote was taken, and the will of the majority was regarded as the will of Attica. This was *pure democracy.*

But you can see that a large city or a State cannot be a pure democracy, for the whole body of citizens is too large to meet at one place. How, then, can all the people of a State have a voice in the making of a law, or take part

in the management of their government? They cannot take part directly, but they may do it indirectly in the following way:

A number of citizens may choose one of their number to act in their stead: the citizens of a town or of a county may choose one or two of its citizens to meet with other citizens chosen in the same way from other towns and counties. If there are fifty counties in a State, and the citizens of each county, instead of going themselves, elect two of their number to go to the capital of the State for the purpose of making laws, the lawmaking body of the State will consist of one hundred men. This small body will act in the name of several hundreds of thousands of people, and the laws it passes will be as binding as if they had been passed by all the people coming together in an immense throng. A man who acts in the place of and with the authority of other men *represents* those men, and is called their *representative;* and the government that is conducted by a few people chosen to act in the name of all the people is a *representative government*, or a *representative democracy.*

In this country we have representative government. In the New England towns, it is true, the people still come out in town meeting and govern as a pure democracy, but in the other governments, in counties and cities and States and in our nation, the people rule indirectly through their chosen representatives.

The Representative's Term of Service.—For how long a period should a representative hold the power which

the voters give him? If you are a member of a club, your club doubtless elects officers every year. Why do you elect them so often? Why not elect them every five years, or every ten years, or for life? Because you want an opportunity to elect new officers should the interests of the club demand a change. The officers might neglect their duties or manage affairs badly, and if they held their places for long terms they might do a great deal of mischief before the club could get rid of them. In order to keep the reins in its hands the club elects its officers for short terms.

The same rule holds in American politics. The voters keep the reins of government in their hands by electing their representatives for short terms only. It is rare that a representative's term of office is more than four years. In a great many States the term is two years, and in a few States it is for one year only. This does not mean that representatives can serve for only short periods, for if their constituents want to retain them they can elect them again and again. As a matter of fact representatives by means of reëlection sometimes hold their places for thirty or forty years.

This practice of giving our representatives only short terms of office causes election day to come around very often. In a great many States there is at least one election every year, and in a few States election day comes twice a year. You will hear people complain of this frequency of election, but as a matter of fact frequent elections are good both for the representative and for

the voter. They are good for the representative because they tend to hold him to his duty; they are good for the voter because they keep his mind fixed upon the doings of his government and this helps to make him the wide-awake person a citizen of a democracy ought to be.

How a Fair Representation is Secured.—How shall fair representation of the people be secured? If you were a member of an athletic association that comprised many schools and there was to be held an important meeting of the governing body, you would want your own school to have a just number of representatives at this meeting. But what would be a just and fair number? Would you want your school to be represented according to its rank in scholarship? According to the number of its pupils? According to the number of good athletes it has? According to the amount of money it contributes to the association? Such questions as these would have to be answered before you could put your association on a good working basis. So in conducting a representative government there must be a plan for securing a fair representation of the people.

For the carrying out of laws we usually elect only one person, a Mayor, a Governor, or a President, and as for the judges of the law, we elect only so many of these as are necessary to try promptly and carefully the cases that are brought up. Thus far there is no trouble in determining how many representatives to choose. But we must have representatives also for a lawmaking body. Our town or city must have a Council, our State a Legis-

lature, our nation a Congress. How is a fair representation in these lawmaking bodies to be secured?

It is secured by giving the people a representation according to their number: so many people, so many representatives. If our city has a population of 50,000 and we want a City Council of twenty-five members, we may divide the city into twenty-five districts (wards), drawing the boundary lines so that each ward shall have as nearly as possible 2,000 inhabitants and to each ward give one representative. In the State Legislatures, the counties are represented according to their population; as a rule a county of 40,000 inhabitants will have twice as many representatives as a county of 20,000. In the great House of Representatives at Washington the rule of representation according to population is carried out with the greatest exactness. A member of the House at present represents about 200,000 people.

Why has the rule "so many people, so many representatives" been adopted? Because it is consistent with the spirit of true democracy. In America, government is for *men as men*, and not for this or that interest or class. And this is right. The principal thing in a country is not its wealth, or its extent of territory, or its mines, or its fields, or its factories, but its *men*.

"What constitutes a state?
Not high-rais'd battlement or labour'd mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned;

Not bays and broad armed ports,
Where laughing at the storm rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No. MEN, high-minded MEN,
Men who their *duties* know,
But know their *rights* and knowing dare maintain,
Prevent the long-aimed blow
And crush the tyrant while they rend the chain—
These constitute a *state*."

QUESTIONS AND EXERCISES

1. Define *constituent*.

2. Name the republics (representative democracies) of the world.

3. Elect one of your classmates to represent your class in a spelling contest. One to represent the class in a debate.

4. Should the representative always vote to please his constituents? Suppose the voters change their opinions after an election, should the representative also change his opinions? Suppose the opinions of the representative should change after an election, should he resign his office or should he vote against the wishes of his constituents, or what should he do? Suppose the voters after an election should instruct their representative as to a course of action, should the representative obey the instruction?

5. *The Recall.* In some cities, and in Oregon, Arizona, California, Colorado, Idaho, and Washington, the voters have the power to deprive a representative of his office before his term has expired if he does not discharge his duties in the way the voters think he ought to discharge them. This power is called the "recall." What do you think of the "recall" as a political contrivance?

XIV. THE POWERS OF GOVERNMENT: CHECKS AND BALANCES

"A separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea of all our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries."—*Daniel Webster.*

Introduction.—You have learned that all the power of government comes from the people and that the people give their power to their chosen representatives. You ought next to learn how the mighty power of the American government is regulated. In almost any ordinary machine there are devices for regulating and checking power. The steam engine has its governor, the car has its brakes, the clock its escapement, the watch its balance wheel, the elevator its safety appliance. Likewise in our political machinery, there is a really wonderful series of devices for regulating, balancing, and checking power, and you must understand the workings of these checks and balances.

The Three Departments of Government.—Let us begin this great subject of checks and balances by observing the manner in which the power of government is separated or broken up into parts. We do not elect one ruler and bestow upon him all the power we have to give. To do that might be to build a despotism over our heads, for the ruler who has the whole power of the government

in his hands could be a tyrant if he wanted to be. He could make a rule for the people to obey, could decide who obeyed it and who did not, and could punish the disobedient as he thought fit. In the exercise of his power he would have nothing to regulate him, nothing to check him. If he followed reason and justice all would be well, but he might follow passion or prejudice or caprice and then all would not be well. The American people take no chances in this matter. They refuse to give all their power to one man or to one body of men. Following the example of our English ancestors, we bestow power upon three different sets of officers, giving to each set authority of a particular kind. In this way we separate the power of government and cause it to flow in three streams.

These three streams of power give us three departments of government: the legislative, the executive, and the judicial departments. The legislative department (the Legislature) has the power to make the laws, the executive department (the President, or Governor, or Mayor) has the power to enforce the law or carry it into effect, and the judicial department (the courts) has the power to try offenders against the law and to settle disputes arising under it.

You may liken these three departments to three great departments of your own being, your judgment, your will, and your conscience. Your judgment plans for you a course to follow; the legislature when making the law plans a course for the people to follow. Your will executes the plans mapped out by your judgment; the executive

department carries out the plans enacted by the legislature. Your conscience prevents you from doing wrong, that is, from working injustice upon others; the courts see to it that there is no injustice between man and man. So the legislature is the judgment of the State, the executive department is its will, and the courts are its conscience. In the legislative department we must look for Wisdom, in the executive department for Power, and in the judicial department for Justice. The legislature, let us say, is a nation's Head, the executive department is its Hand, and the courts are its Heart.

The three departments are found in nearly all our political divisions, whether low or high, small or great. In your town or city you have councilmen or aldermen to make your local laws (ordinances), a Mayor or chief burgess to carry out these laws, and magistrates or police justices to try the smaller cases. In your State there is the State Legislature, the State executive department, consisting of the Governor and other executive officers, and the State courts. For the entire country we have Congress (which is the legislature of the nation), the President and his cabinet, and a system of national courts, including the Supreme Court. So in small things as well as great, government in America is conducted on the three-department plan.

The Lower and the Upper House.—Besides the separation of power just pointed out, there is in the legislative department an important check upon the use of power. We do not as a rule give the lawmaking power outright

to one body of men, but to two bodies, and we require that before a measure (a bill) becomes a law it shall pass in both bodies. Neither body can make a law without the consent of the other.

The two divisions of the Legislature are generally spoken of as the lower and the upper house. The lower house is usually known as the House of Representatives. The upper house is always known as the Senate. The lower house usually has a membership three or four times as large as that of the Senate. This means that a Senator usually represents three or four times as many people as are represented by a member of the lower house, for in nearly all our legislatures representation in both branches follows pretty closely the rule, "so many people, so many representatives." The Senate of the United States, however, is an exception to this rule, as will be explained hereafter.

Why is it necessary to have two houses to pass a law? Why cannot we elect a single body and give to it the whole lawmaking power? If there were but one house, a bad bill might be rushed through in a moment of excitement or passion and the law might do much mischief; but if a bill must pass through two houses before it becomes a law there is a chance for the lawmakers of the second house to take a sober second thought and block the passage of the bill if it is bad.

The Veto Power.—Another check to be noticed here is the veto power. In nearly all cases the executive can check the legislative power by vetoing its laws, that is,

by forbidding their passage. The Mayor of a city can generally veto an ordinance of the Council, the Governor of a State (in all States except North Carolina) can veto a law of the Legislature, the President of the United States can veto a law of Congress. But the veto power is not complete, absolute, and final. When one branch of the Legislature votes down a bill passed by the other branch, that is the end of the matter, for the bill is killed, but when the Governor or the President vetoes a bill the Legislature or the Congress can vote on it again and if it can be passed a second time by a two-thirds or three-fifths majority of both houses it becomes a law in spite of the veto. So the veto power is only partial and may be only a temporary check.

The Independence of the Departments.—In the exercise of its own proper powers one department is entirely independent of the others. Each department is expected to attend to its own business in its own way and not to meddle with the affairs of another department. In the political scales the power of one department is supposed to balance precisely the power of another. The scales must not tip one way or the other.

Who is to keep this system of checks and balances in good working order? When the beam tips, who is to restore the balance? The people themselves. Only the voters have power enough to outweigh the power of a department. If a Mayor has seized powers that do not belong to him, the voters may refuse to reëlect him; if a Legislature is lording it over a Governor, a vote of the

people may keep the members of the Legislature at home and thus give back to the Governor his rightful power.

As a voter you may be called upon to help in preserving a balance of power among the departments, and you ought to understand clearly that such a balance is a good thing and that encroachment is a bad thing. Why is it a bad thing? Why should you refuse to support a department that is grasping powers that do not belong to it? Washington has answered this question. "The spirit of encroachment," he says, "tends to consolidate the power of all the departments in one and thus create, whatever the form of government, a real despotism." When you hear men calling for power, power, more power, remember these words of Washington, and don't give them the power unless it is precisely the kind they ought to have. Don't give to the judge the kind of power a lawmaker ought to have; don't give to the lawmaker the kind of power a judge ought to have; don't give to an executive officer the kind of power the legislature ought to have. Keep all the parts of government well balanced and thus prevent the despotism that Washington feared.

QUESTIONS AND EXERCISES

1. What does the word *veto* mean?

2. Do you think it would be wise to give the lawmaking power of the school to pupils? The judicial power? The executive power?

3. In some schools the pupils organize themselves into a little democracy or self-governing community. They elect from their number a lawmaking body which makes the rules of the school, executive officers who carry the rules into effect, and a judicial body which de-

cides whether a pupil has violated a rule. Whom of your school would you choose for your lawmakers? Whom would you choose as your chief executive officer? Whom would you choose as your judges? What rules would you desire in respect to tardiness? Whispering? Cheating? Truancy? Absence? Rudeness? (Pupils and teachers who are interested in the subject of self-government for schools should consult Wilcox and Gill's "Outline of American Government.")

4. Name two great lawmakers, two great judges, two great executives.

XV. THE POWERS OF GOVERNMENT: LOCAL SELF-GOVERNMENT

"It is to local self-government that we owe what we are and what we hope to be."—*Daniel Webster.*

Introduction.—You now have learned three of the great truths that lie at the foundation of American government, namely: (1) that government is conducted according to the principle of majority rule; (2) that the people govern through their chosen representatives; (3) that the power of government is sharply separated and given to three great departments. A fourth great truth about our political system is this: in respect to local matters every community has large powers of local self-government. In this lesson let us learn about local self-government.

The Three Grades of Government.—If you have paid any attention at all to public affairs you have already noticed several governments in operation around you. If you live in a southern State on a farm you know something of a county government that transacts its business at the county seat, something of a State government that has its headquarters at your State capital, and something of the great National Government that has its seat at Washington. If you live on a farm in a northern State you are familiar also with a town or township govern-

ment. If you live in a village or in a city you are constantly brought face to face with the officers of a village or city government.

At first sight, therefore, it appears that we have at least half a dozen different kinds of government, but let us see if we cannot group them so as to reduce the number of classes. It will be noticed that all the governments below the State government attend to the affairs of a small area. The county is usually not so large but that one may drive from one end of it to the other in a day, a township occupies only a few square miles, and the area of the village or city is generally even smaller. Moreover, as we shall presently see, all these governments of lower grade stand in the same relation to the higher State government, and they all perform the same kind of public service. So we may consider all the political divisions below the State, that is to say, counties, towns, townships, villages, boroughs, cities, as having the same grade of government, and we may call this grade *neighborhood* or *local* government because its services are always confined to a neighborhood or locality. We have, therefore, three grades of government—local government, State government, and National Government.

The Relation of the Local Government to the State.—What is the relation of a local government to the governments of higher grade? How does your county or township or city stand in respect to the State and to the nation? The answer to this question is very simple: the local government receives all its powers from the State

and is in no way connected with the National Government. The authority which a locality exercises is given to it either by the State constitution (of which we shall learn later) or by a law of the State Legislature. The authority which a locality receives from the constitution cannot be taken from it without changing the constitution, but that which it receives from the Legislature can be changed as often as that body desires and in any way it desires.

Local Self-Government.—Although the State has full power over a locality and can rule it almost precisely as it may wish to, yet as a matter of fact the locality in every State is in many things allowed to rule itself. In practice the State Legislature passes a law giving to the local government certain powers and provides for certain officers, and when it has done this it lets the locality alone. The county or township or the city is permitted to do its own work in its own way so long as it does nothing contrary to the law which the Legislature gives it. But, mind you, that law gives the people very large powers of local self-government. The American people would not be satisfied with any other arrangement. Our political system had its birth in the little local governments which the early settlers set up, and in the building up of States and of the nation the people have always reserved for themselves the right of attending to their own local business. Our affection for local self-government is so strong that neither a Legislature, nor a convention called to frame a constitution, would dare to take from a community the right to attend to its own affairs.

The Services of Local Government.—The local government attends to common, everyday affairs. Indeed, we might say it performs the drudgery of social service. The constables and policemen of the local government stand guard night and day, in sunshine and in storm, to preserve order and keep the peace. Highway officers and workmen of the local government repair the roads, pave the streets, dig the sewers, and build the bridges. In schools supported by the neighborhood, public teachers work laboriously and patiently for the education of youth. In its almshouses the local government feeds and clothes the poor of the neighborhood, thus recognizing the principle that charity should begin at home. Health officers of the local government prevent the spread of contagious diseases, cause people to be vaccinated, condemn bad plumbing, and care in many ways for the public health. To pay for these services the local government levies such taxes as are necessary, and these are collected by local officers.

Any neighborhood government, whatever may be its name, can be expected to render such services as these just mentioned. It is always the business of the locality to preserve peace and good order within its boundaries, to attend to its own roads and streets, to educate its own youth, to support its own poor, to care for its own health, to levy and collect its own taxes. If the locality, however, is a large town or city its government must do all this and much more than this, for where people live close together government always has more things to do than

it has where they live far apart. What the additional services of a city are, however, need not concern us at this point, for the subject will receive special attention hereafter.

This general account of the nature of local government and of the kind of work it does prepares us to make a particular study of the several different types of local government. The local governments that should be studied are the County, the Township, the Town, the Village, and the City. In the next lesson the County will receive attention.

QUESTIONS AND EXERCISES

1. Describe a community in which all the local services mentioned in the lesson are performed badly.
2. Describe a community in which all the local services mentioned in the lesson are performed well.
3. Does the constitution of this State give the local government much power or little power?
4. Suppose the people of a locality do not manage their affairs well, ought the State government to step in with its officers and govern the locality? Which is better in such a case, self-government or good government?
5. Give reasons why you ought to take a part in the business of local government.

XVI. THE COUNTY

"The town and county have shaped the life of the States of the Union."—*Austin Scott.*

Introduction.—The local government that touches the lives of the greatest number of people is the county. Every State and Territory is divided into counties, and as a rule every town, township, village, and city is located in some county.[1] Almost everybody, therefore, lives in a county and is interested in county government.

County Government Not Everywhere the Same.—The services rendered by the county government differ as we pass from State to State. In the southern States and in many of the western States the county—outside of towns and cities—performs most of the local services mentioned in the last lesson. In the Middle Atlantic States and in the States of the great Middle West there are within the county a number of smaller local governments known as townships (Lesson XVIII), which do a part of the work of local government, and leave a fair portion of that work for the county to do. In New England there are within the county a number of local governments known as towns (Lesson XVII), which perform

[1] The county in Louisiana is known as the parish.

Baltimore, St. Louis, Washington, D. C., and many cities in Virginia are not located in counties. The city of New York includes all the territory of five counties.

nearly all the services of local government and leave the county very little to do.

Since the county in different parts of the country has different work to perform we must not expect counties everywhere to have the same officers, nor can we expect to find county officers of the same name everywhere performing precisely the same duties. Still, in many im-

A County Courthouse and Jail

portant matters county government is everywhere the same.

The County Seat.—Every county has a county seat where the courts are held and where the business of the county is transacted. The county seat may very properly be called the capital of the county. It is the political center of the county, very often the geographical center, and in many cases the commercial center. Here are located the courthouse, the jail, and other county build-

ings. Sometimes a county has two county seats, but this occurs very seldom indeed.

The County Commissioners or Supervisors.—Most of the public business of the county is done by a Board of County Commissioners[1]—called in some States Supervisors.[2] This board consists of three or more members who hold their office for a term that varies, in different States, from one to six years. In most of the States the County Commissioners (Supervisors), like most of the other county officers, are elected by the people.

The power and duties of the County Commissioners vary as we pass from State to State, but as a rule the Commissioners do at least the following things:

(1) They fix the rate of taxation for the county.

(2) They appropriate money for the payment of the salaries of county officers and to meet the other expenses of county government.

(3) They make contracts for repairing old roads and opening new ones, and for building and repairing bridges.

(4) They make contracts for building and repairing public buildings, such as courthouses, jails, and almshouses.

(5) They appoint subordinate county officials.

[1] This board is called in some of the States the *county court;* in several States it is called the *levy court* because it is the body that levies (raises) the taxes. In Rhode Island there are no County Commissioners.

[2] In some States the supervisors of all the different townships of a county act as a board of County Commissioners or Supervisors. This is true of New York, Michigan, and Wisconsin, and of many counties of Illinois.

(6) They represent the county in the courts when it is sued for damages.

The Court Officials of the County.—The county is everywhere a district for the administration of justice, and at every county seat one or more judges sit for the trial of cases. These judges generally are not themselves county officers but are State officers; yet in conducting the business of the court in each county they receive the assistance of several county officers. The principal county officers who assist the judges in their duties are the following:

(1) *The Sheriff* has been called the "arm of the judge" because he carries out the orders of the judge. If the judge orders a man to be taken to prison, the sheriff takes him; if he orders property to be sold, the sheriff sells it; if he sentences a man to be hanged, in some states the sheriff hangs him. It is the duty also of the sheriff to preserve peace and order. If there is a riot, the sheriff quells it. When necessary, the sheriff may call to his aid *deputies* or helpers. In times of great danger or disturbance, the sheriff may call to his aid the *posse comitatus*, that is, every able-bodied man in the county. The sheriff usually lives at the county seat and has charge of the county jail and its prisoners.

(2) *The Prosecuting Attorney*—called in some States the State's Attorney, in others the District Attorney, in others the County Attorney, and in still others the Solicitor—appears in the county court at the trial of a criminal and presents the case against him. If the evidence goes to show

that the accused is guilty it is the business of the prosecuting attorney to do all in his power to secure the conviction of the offender. A faithful prosecuting attorney is a terror to criminals.

(3) *The Coroner.*—When a person is murdered or is found dead or dies mysteriously the coroner (usually a physician) takes charge of the body of the dead person and inquires into the cause of the death. If he thinks that there has been foul play, he will summon six or twelve men to act as a coroner's jury, and an examination will be made. Witnesses will be summoned, and the jury, after hearing evidence, will state in writing what they think was the cause of the death. This examination is called the "coroner's inquest."

(4) *The Clerk of the County Court.*—Any court above a police court, or above that of a justice of the peace, is a "court of record"; that is, its proceedings are enrolled in permanent form. The county court is a court of record, and the man who keeps its records is called the *Clerk of the Court.* This officer is a kind of secretary to the judge. He writes out an account of trials and keeps a record of the judgments of the court. Besides this, in some States, he keeps a record of deeds and mortgages affecting any land in the county, issues marriage certificates, and records all births and deaths. This officer in some States is called the Prothonotary.

Other County Officials.—The county officers thus far mentioned are found in almost every State. In addition to these there are several other county officials

that are found in many or most States. Among these are:

(5) *The County Treasurer*, who receives and pays out the money raised by taxation.

(6) *The County Auditor*, who examines the books of the treasurer and of the other officers and reports whether the public accounts are kept properly and honestly.

(7) *County Assessors*, who estimate the value of the property of each taxpayer in the county; and *County Tax Collectors*, who collect the taxes and turn them over to the treasurer.[1]

(8) *The Register or Recorder of Deeds.*—In all the States, when real estate is sold or is in any manner transferred from one person to another, a public record of the transfer is necessary to protect the rights of the new claimant. In about half the States the keeping of this record is intrusted to a special county officer known as the Register, or Recorder of Deeds.

(9) *The Probate Court.*—In most of the States there are county officers known as Judges of the Probate Court.[2] It is the business of these officers to examine the wills of deceased persons and decide whether they have been made as wills by law ought to be made. When a person dies without having made a will and leaves no one to

[1] A detailed treatment of the usual methods of taxation is postponed to Chapters XXXVII and XXXVIII.

[2] In Pennsylvania, Delaware, and Maryland they are called Judges of the Orphans' Court; in Georgia the probate judge has the title of Ordinary. In New York and New Jersey the probate judges are called Surrogates.

take charge of his estate, the probate court will appoint an *Administrator* to take charge of it. When a child is left without father or mother, the probate court will appoint a guardian who will manage the estate until the child comes of age. In general, the business of the probate court is to see that the property of the dead falls into rightful hands.

(10) *The Superintendent of Schools.*—In nearly all the States there is a county officer whose duty is to look after the interests of the public schools of the county. This officer usually sets the examinations for teachers, visits the schools, makes out courses of study, holds teachers' institutes, and improves the schools in every way he can.

(11) *The School Board.*—In a few States a county School Board has the general management of the schools of the county.

QUESTIONS AND EXERCISES

1. Bound accurately the county in which you live. When was it organized? What is its area? Its population? Its county seat? How came it by its name? What are its largest villages? Is there a city situated in it? How many counties are there in this State?

2. If in your State there are county officers not named in the lesson, name these officers and describe the duties of each.

3. Explain the difference between the words "elected" and "appointed."

4. What qualifications should a sheriff possess? A register of deeds? A State's attorney? A county treasurer? A superintendent of schools? As far as you know, are the officers of your county chosen on account of their *fitness* for office?

5. Are you proud of your county? If so, for what reasons?

6. Draw a map of your county, locating its county seat, and its chief towns and villages.

7. Make out a table showing the titles of your county officers, their names, the length of their terms of office and whether they are appointed or elected.

Title	Name	Length of term	Appointed or elected	Salary
Sheriff	J. G. Smith	2 years	elected	$1500

XVII. TOWN GOVERNMENT

"The town governments of New England proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation."—*Thomas Jefferson.*

Early Town Government in New England.—In New England, after you pass from the governments of the home and of the school, the government that you meet first, if you do not live in a city or village, is that of the *town.*

A town, or *tun* (to͞on), in the earliest times was a cluster of farmers' dwellings, barns, and cattle sheds, such as may be seen to-day in many parts of Germany. Around the tun was either a wall of earth or a dense hedge, and outside, encircling the mound or hedge, was a ditch. The tun was thus fortified against its foes. In the center of the inclosure, usually under a large tree, was held the *tun moot,* or meeting of all the freemen of the tun. At this moot newcomers were admitted to dwell within the tun, lands were granted to freemen, "strife of farmer and farmer was settled," laws for the government of the tun were passed, and officers to execute those laws were elected. Two thousand years ago our forefathers governed themselves in the tun moot in the wilds of Germany; when they settled in England fifteen hundred years ago they carried the tun moot with them; and when, nearly three hundred years ago, the Pilgrims landed at Plymouth, they at once

came together in tun moot, or town meeting, for the purpose of transacting public affairs.

The Englishmen who first settled in New England were a very religious people. One of the first things they did in a new settlement was to build a church in some place convenient for all to attend. This church was called a

A Town Meeting in Early New England

meetinghouse, and this was a good name for it, for it was a common meeting place for all in the settlement. The congregation that met in it on the Sabbath as worshipers would meet in it on a week day as citizens and transact public affairs. Thus local government in New England centered around a church. A congregation of churchgoers was organized as a government, and this government was called a *town*. When a town became so large in extent

that it was inconvenient for all to attend one church, a new church was built and a new town was organized. You rarely find a town in New England so large that a person cannot with convenience attend a church situated in its center. Every male citizen above twenty-one years of age who attended the church—and everybody was required to go to church—had the right to go to the meeting-house and take part in the town meetings. Voters are no longer required to attend church, but in other respects the town governments of New England to-day are almost exactly like those of the early years of our history.

The Town Meeting.—The most important feature of the town government is the *town meeting*. Once a year all the qualified voters of the town hold a meeting to discuss measures relating to town affairs, and to take action thereon. The meeting is no longer held in a church, but in the *townhouse*, or *townhall*. When the people have assembled, the town clerk calls them to order, and states the purposes for which the meeting was called. A *moderator* is then chosen to preside over the meeting, and business proceeds according to parliamentary rules. In a town meeting we see pure democracy at work. Instead of sending men to conduct affairs for them, as in a representative government, the people are there in person. Young and old, rich and poor, take part in the proceedings, and any citizen present may exert the full force of his character and influence. Every measure that is brought up is freely discussed and criticised. Those in favor of the measure state their argument for it; those

opposed to it state their objections. When the discussion is at an end a vote is taken, and whatever the result may be, all present feel that the will of the people has been expressed. All matters relating to the public affairs of the town are settled. The most important things done are these:

(1) The *rate of taxation* is fixed. Money is appropriated for the schools, for the care of the roads, for the support of the poor, for the salaries of officers, and for other necessary expenses.

(2) *By-laws* are passed for the regulation of local matters. The word *by* originally meant *town;* hence a by-law is a town law. A law passed in town meeting regulating the speed of automobiles is an example of a by-law.

(3) Town *officers* are elected.

Town Officers.—The principal town officers are as follows:

(1) *The Selectmen.*—The general management of town affairs during the year is placed in the hands of three, or five, or seven, or nine citizens, called *Selectmen.* These officers carry into effect the measures passed at the town meeting. They supervise the laying out of roads; they grant licenses; they care for the poor; they take measures to abate nuisances, check the advance of diseases, and otherwise preserve the health of the town; they listen to complaints against the management of town affairs; they represent the town in court when it is sued; they make out the warrant when a special town meeting is to be called.

(2) *The Town Clerk* calls the town meeting to order and keeps a record of the proceedings. In addition to this he keeps a record of the births, marriages, and deaths in the town, and grants certificates to those wishing to marry. In fact, most matters of town record are in his keeping.

(3) *Assessors* estimate the value of property liable to taxation.

(4) *Tax Collectors* collect the tax.

(5) *The Town Treasurer* receives and pays out the money which the town raises by taxation.

(6) *The Overseers of the Poor* have charge of the town almshouse, and they give relief to the deserving poor.

(7) *The Constables* are peace officers, and every town has one or more of them. They arrest for crime, and assist the selectmen in executing the law.

(8) *The Surveyors of Highways* inspect roads and bridges, and are responsible for keeping them in repair.

(9) *Fence Viewers* settle disputes that may arise between neighbors about partition fences or walls.

(10) *Field Drivers.*—When cows, or horses, or other animals are found wandering about the town the field driver puts them into a pound, and keeps them until their rightful owner is found.

This list of officers is not complete, yet it is long enough to show that a great many people take part in the government of a town. It is quite possible that there are towns in which there is hardly one intelligent citizen who does not sometime in his life hold public office. This general

participation in the business of government does much to make the people of New England a most wide-awake and progressive body of citizens.

QUESTIONS AND EXERCISES

(For Pupils in Towns.)

1. What kind of men make good selectmen? What should be the qualifications of a good town clerk?

2. What are the boundaries of the town in which you live? When was your town organized? Is there a church near its center?

3. Make out a list of the names of all who now hold town offices.

4. Should boys and girls be allowed to take part in town meetings? Are they represented there?

5. In what things should a town try to excel? In what does your town excel?

6. How much money is raised by taxation in your town? What is the tax rate? Is this higher or lower than the rate in neighboring towns?

XVIII. THE TOWNSHIP

"The western method of local government [the county-township system] for simplicity, symmetry, flexibility, and administrative efficiency is superior to any other system which the Teuton mind has yet produced."—*G. E. Howard.*

The Nature of Township Government.—In the Middle Atlantic States and in those western States that have been settled largely by emigrants from the Middle States, such as Ohio, Indiana, Illinois, the government that comes closest to the door of the citizen is that of the township. A township is a small portion of a county in which the people exercise some of those powers of government which are exercised by the town of New England and by the county in the southern States. Township government, therefore, lies halfway between town government and county government. In New England the people of a town (by which we mean the people of a small neighborhood) have nearly all the powers of local government in their hands, and very little is left for the county to do. In a southern county the people of a small community exercise hardly any of the powers of government; everything is done by the county. Now in a township a few of the powers of local government are taken from the county and given to the people of a small neighborhood. The things done by the township government are usually three: it supports *public schools*, it cares for the *roads*,

and it helps the *poor*. It also, in many States, levies and collects taxes with which to pay for these things.

Township Meetings and Township Elections.—In New York, New Jersey, Michigan, Illinois, Wisconsin, Minnesota, Nebraska, and the Dakotas the township resembles somewhat the New England town. In these States the voters come together once a year—usually in the spring—in township meeting and vote on township matters. At these meetings little is done except to elect the township officers. In some of the above-named States, however, after the officers have been elected the voters fix the tax rate and do some other things that in New England are done at the town meeting. In other words, in the above-named States the township resembles a pure democracy.

In the other States in which there are township governments, that is to say, in Pennsylvania, Ohio, Indiana, Iowa, Kansas, Missouri, and Oklahoma, there are no township meetings but only township elections. In these States the township is a representative government: the voters simply elect the officers and these govern the township.

Officers of the Township.—Township officers are not precisely the same in any two States, yet in most of the States where the township appears there is a set of officers whose titles and duties are somewhat as follows:

(1) *The Supervisor* or *Supervisors* (sometimes called *Trustees*) take care of the roads and bridges, erect and keep in repair guideposts and watering troughs, and plant shade trees along the roadside. They may build and keep in re-

pair a *townhouse*, in which elections may be held and officers of the town may transact the public business.

(2) *The School Directors* have control of the public schools within the township. Their powers and duties have been stated in a previous lesson (p. 25). In some States the directors of all the townships in a county meet every second or third year and elect a Superintendent of Schools for the county.

(3) *The Township Clerk* is a secretary for the supervisors or trustees. He keeps the records and accounts of the township.

(4) *The Assessors.*—The chief duty of the township assessors is like that of town or county assessors. Sometimes the assessors act also as registrars of voters (p. 49). Sometimes they keep a record of all births and deaths for the township.

(5) *The Tax Collector* collects the taxes in the township.

(6) *The Auditors* examine the accounts of other officers of the township to see that all money has been expended properly and honestly.

(7) *The Justice of the Peace*[1] holds court on a small scale; he acts as a peacemaker between his neighbors in their petty disputes; he administers oaths; he performs the marriage ceremony.

(8) *The Constable* acts as the peace officer of the township, and is the "arm of the justice of the peace," much as the sheriff is the "arm of the judge" (p. 88).

(9) *The Overseers of the Poor* attend to the needs of the

[1] More is said about the Justice of the Peace on pages 144, 145.

poor. When there is no poorhouse in the county, the township supports the poor by sending them provisions to their homes or paying some one to provide for them. In some States overseers may lay a tax for the support of the poor of the township.

QUESTIONS AND EXERCISES

(For Pupils in Townships.)

1. How many townships in the county in which you live? Name them.

2. Bound the township in which you live. What is its population? Draw a map of it, locating the townhouse. Locate any villages that it may contain.

3. What is the rate of taxation in your township? How does this compare with the rate of adjoining townships?

4. Are the officers of your township elected by ballot, or by the people assembled in town meeting?

5. Do the supervisors (or trustees) of your township serve as members of a county board of supervisors?

6. Make out a table showing the titles of your township officers, their names, the length of their terms of office, whether they are appointed or elected, and the salary or compensation.

Title	Name	Length of term	Appointed or elected	Salary or compensation

XIX. MUNICIPAL GOVERNMENT

"I bless God for cities. Cities have been as lamps of life along the pathway of humanity and religion. Within them science has given birth to her noblest discoveries. Behind their walls freedom has fought her noblest battles."—*Colton.*

Why Municipal Government is Necessary.—The local governments thus far studied, the County, the Town, the Township, are best fitted to perform the local services of farming districts and thinly settled communities. These may, therefore, be called the rural governments.[1] For thickly settled communities, for villages,[2] boroughs, and cities, a special kind of government, known as *municipal* government, is necessary. Let us learn why it is necessary for a densely populated community to have a special kind of government.

There is an old saying that "Rome was not built in a day." This is true of all cities. The miles of streets and the grand buildings you see around you in a city were not built in a day. A city begins with one building, perhaps a flourmill, or a sawmill, or a farmhouse, or a rude shed for cattle. Let us try to follow in our imagination the

[1] It is only partly true to speak of the New England town as a rural government, for very often the towns of New England are very thickly settled and sometimes are cities in almost everything except in name.

[2] What is called a village in some States is in other States called a town, but the word town here does not mean the town discussed in Lesson XVII.

growth of a city. Let us suppose the first building is a sawmill built in a forest of fine timber.

Soon after the mill is built its manager builds a home for himself and family. In a short time rows of houses are built as dwellings for the men who work in the mill and for those who cut down the trees. These rows of houses are the beginnings of streets. The families who dwell in these houses must be supplied with groceries and other necessaries; hence it is not long before a merchant comes and erects a building for a store. The horses that haul the logs must be shod and the wagons repaired; hence a blacksmith shop and a wheelwright shop must be built. A railroad is built near the settlement, and this brings a station and a station master.

The place must now have a name. A natural name for it would be Millville. Let us call it that. Millville is prosperous, and many who wish to join in its prosperity are attracted to it. The doctor and the druggist, the shoemaker and the carpenter, with their families, come to try their fortune. Soon a schoolhouse is built, and a church and a house for the preacher. Another mill is built. This means more workmen and more merchants. Now comes the tailor, the seamstress, the music teacher, the barber, and baker, and many others.

Millville has a thousand inhabitants, but it has no separate government. It is governed precisely as the more thinly settled region around it is governed. It pays a large share of the taxes of the county in which it is situated, yet it gets but little return for the money. In

the spending of the taxes but little attention is given to its needs. It needs street lamps, sidewalks, sewers, waterworks, policemen, firemen. It also needs certain powers of government that are necessary wherever a large number of people live together. As it is, in Millville each person acts in reference to his neighbor's comfort about as he pleases. He paves the sidewalk in front of his house, or does not pave it, as best suits him; he helps to buy oil for the street lamps, or he refuses; if he sees fit, he may throw garbage into the street, and commit other offenses against the health of the town: there are no officers and no laws to hinder him. When there is a drunken row, there are no officers to arrest the offenders.

Village and Borough Government.—In order to change this state of things and make Millville a safer, cleaner, and more beautiful place in which to live, its inhabitants get for it a special government. The people of the settlement organize as a *village*, or *borough*, or *town*. They are permitted to do this by a State law which provides for the government of villages or towns. They apply to the judge of some court or to some other officer and get a *charter* for a *municipal* government. In this charter the village is given a legal name and its boundaries are carefully stated. The charter, or the State law, also states what officers the village is to have and what powers the officers are to exercise. What these officers are called and what are their powers can be learned only from the village charter or the law itself. If you live in a chartered village by all means get a copy of your village charter

and study it. Doubtless the charter provides for a village president, or mayor, or chief burgess, and for a body of trustees or commissioners or councilmen or burgesses. In addition the village may have a clerk, a treasurer, a tax collector, a constable, a justice of the peace, and a street commissioner.

Under their charter the citizens of Millville begin the business of governing a village. A police officer is employed, waterworks are built, a fire engine is bought, sewers are laid, streets are paved and lighted and kept clean, better schoolhouses and better schools are provided. To pay for all these things village or borough taxes are levied upon the property holders.

We will suppose that under its new government Millville is stirred with new life. More mills are built; large factories employing hundreds of people are set in operation. The population rapidly and steadily increases. In the course of time, instead of having a thousand inhabitants, it has come to have many thousands. It is now found that the village form of government does not suit so large a place. The officers provided by the village charter are too few in number and the powers are too few and too small. Millville has become a city and it must have a government suitable to a city.

The City Charter.—When the village becomes a city it still has municipal government and still does business under a charter.

City charters are usually granted by the State Legislature. In a few States, however, the people of a city have a

voice in the making of the charter under which they are to live. They draw up a charter suitable to their needs and present it to their Legislature for approval.

The city charter provides for a great many more officers than a village charter and grants a great many more powers. The charter of a large city is sometimes a volume of several hundred pages. The names and titles of the officers of a large city would alone fill many pages of this book. Because of its size, then, it would be impossible here to describe fully the charter of a large city.

There is another reason why a description of a city charter might not be satisfactory: the Legislature is constantly changing the charters of cities. So if I should take the charter of one of the cities of your State and describe the government of that city, it might happen that before my description found its way into print the Legislature would change the charter, and my description would be no description at all. If you live in a city and want a full and true description of your city government you must get it from the last charter granted to your city.

Still, in spite of the different ways in which legislatures treat cities in the different States, and in spite of the constant changes that are being made in charters, municipal government all over the country is very much the same. The city everywhere has nearly the same kind of work to do, and to do this work properly there must be officers of a certain kind and these officers must have powers of a certain kind: What these officers and powers are will be the subject of the next lesson.

QUESTIONS AND EXERCISES

(For Pupils in Villages, Boroughs, and Towns.)

1. Obtain a copy of your village (or borough) charter, and examine it for answers to the following questions:

(*a*) When was the charter granted?

(*b*) By what authority was it granted?

(*c*) What is the title of the executive officer of the village?

(*d*) What is the governing body called? What are the powers of this body? How often does it meet?

(*e*) Are the officers of the village elected or appointed?

(*f*) What powers of taxation does the charter grant? Could the people of the village be taxed to build a bridge costing $50,000? One costing $5,000?

(*g*) Who are entitled to vote at village elections?

(*h*) What are the boundaries of the village?

2. What improvements are needed in your village? Can they be secured under the terms of the charter?

3. Have you seen villages much more attractive than the one in which you live? What makes a village attractive?

4. Are the officers of your village slow and old-fashioned, or progressive and modern, in their ideas?

5. Prepare a table for village officers similar to that which was prepared for county officers.

XX. MUNICIPAL GOVERNMENT (*Continued*)

"The modern city has come to be a huge corporation for carrying on a huge business with many branches."—*John Fiske.*

The Three Great Departments of City Government.—In the city we see very clearly the separation of power that gives us the three departments of government. The municipal charter almost always provides for a law-making department, an executive department, and a judicial department. But all judicial officers are really State officers, for they act in the name of the State even though they are elected for a city and by the voters of a city. The judicial department of a city consists simply of some State courts holding their sessions within the borders of the city. So it will not be necessary here to study the workings of the judicial department of city government, for that subject will be treated later when we come to study the workings of the judicial department of the State government (Lesson XXVI). Here we need to study only the legislative and executive departments of city government.

The City Council.—The legislative department of a city is usually called the City Council. In large cities the Council often consists of two branches or houses, sometimes called the first and second branches, sometimes the Board of Aldermen and the Board of Councilmen. The city is divided into wards, and the voters of each ward

elect one or more councilmen to represent them in the City Council. If there are twenty wards in the city, the Council will consist of twenty, or forty, or sixty members, according as there are one, two, or three members from

A City Hall

each ward. These councilmen meet in the *City Hall*, and make laws for the government of the city. The laws that a City Council makes are called *ordinances*. An ordinance, then, is a city law. These ordinances of the Council relate to almost everything that concerns life in a city. There

is not room here to speak of all the things done by a City Council; a few of the things done by it, however, may be mentioned.

When you are born, the City Council requires that your name be registered in the book of births; when you are old enough to go to school, it provides for you schools and teachers and, sometimes, books; if your parents are too poor to support you, it will help you with food and clothing; when you go out from your home, you walk upon streets paved and cleaned and lighted by the Council; if you should be attacked, its policemen will arrest your assailant; if you wish to engage in some business, it will probably demand of you a license; if you wish to build a home, you must first get from it permission to build; if your house takes fire, its firemen come rushing to put the fire out. The Council provides for the removal of garbage from your yard; it employs men to inspect the quality of your food and drink; it provides parks and open squares where you may get a breath of fresh air and a glimpse of nature; it causes to be brought into your house a supply of fresh water, and it provides sewers to carry waste water away from your house; if in your old age you shall be infirm and poor, the Council will care for you in its asylums; at last, when you shall die, it will grant a permit for your burial, and the fact of your death will have to be registered in its book of deaths.

Thus from birth to death the acts of the City Council affect the lives of the people in the city. How important, then, it is that that body should be composed of honest

and intelligent men! How tireless should be the efforts of voters to secure the election of such men! Remember this: If you succeed in getting honorable, wide-awake men in your City Council, you will have a well-governed city. As far as you know, have you such men now in your City Council?

The Mayor; Municipal Executive Department.—At the head of the municipal executive department stands the Mayor. This officer is nearly always elected directly by the people, although in a very few cases he is chosen by the City Council. His term of office varies from one to four years. The chief duty of the Mayor is to carry into effect the ordinances of the Council. In most cities the Mayor can veto an ordinance of the Council. When an ordinance is vetoed it is generally sent back to the Council, where it is voted upon again and if it is passed again by a two-thirds (or three-fifths) vote, it is a lawful ordinance, notwithstanding the Mayor's objection.

The work a city government has to do is very great, and it takes a small army of men to perform it. The municipal business is done by departments. At the head of each department there is an executive officer or a board. The heads of these departments (or boards) are usually either appointed by the Mayor or elected by the people. When they are appointed by the Mayor they sometimes must be approved by the City Council.

The municipal executive departments are few or many according as the city is small or large, and according as the municipal work is light or heavy. In many good-sized

wide-awake cities you will find the following departments, officers, and boards:

(1) *A Department of Finance* with a comptroller, or auditor, and assessors and collectors of taxes.

(2) *A Department of Law* with a city solicitor, or corporation counsel, who acts as the city's lawyer.

(3) *A Department of Public Safety* with fire commissioners, health commissioners, inspectors of buildings, inspectors of boilers, inspectors of plumbing.

(4) *A Department of Parks and Squares* with a board of park commissioners.

(5) *A Department of Education* with a board of school commissioners.

(6) *A Department of Charities* with a board of overseers of the poor.

(7) *A Department of Police* with a board of police commissioners.

(8) *A Department of Highways* with a street commissioner, a city engineer, and a superintendent of lamps and lighting.

Many cities do not have all the above departments and officers, but many large cities have them all and many more besides. Serving in these departments are assistants and employees, who in many cities are numbered by thousands and in a few by tens of thousands.

The "Commission" System of Municipal Government.—In a large number of cities, in various states, the commission plan of municipal government has been adopted. Under this plan the city is governed by a

commission consisting of a Mayor and a small body of Councilmen (or Aldermen)—usually four in number. The Councilmen are elected by the whole body of voters without regard to wards or precincts, and are supposed to be elected without regard to political party. The Mayor and the Aldermen act together in governing the city. The commission both makes the laws by which the city is governed and carries those laws into effect. The Mayor is a member of the commission. He is its chairman, but he does not have the veto power. The business of the city is divided into as many departments as the commission has members, and each member of the commission is placed in charge of a particular department and is held responsible for the management of that department.

Services of City Government.—In the paragraph on the City Council mention was made of many of the usual and more important services of city government. But should the city attempt to do more than it usually does? It supplies the people with water; should it supply them with gas also? Should it own and operate the electric cars? It provides children with an education; should it provide them with a midday lunch also? Should it furnish the music for the parks? Should it own and operate the telephone? Should it lay pipes and supply heat to families? These are a few of the questions you will be called upon to answer when you become voters. You may not be able to answer them intelligently now; but if you will begin to study them now, when the time comes for you to vote and act, you will not vote and act like blind men.

Surely if you live in a city the subject of municipal government deserves all the attention you can give it. Sooner or later you will discover that much of the happiness of your life depends upon the way the affairs of your city are managed. A well-governed city is one of the best places in the world for one to live in, while a badly governed city is one of the worst places. If when you are grown you will try to make the government of your city better, your efforts may be richly rewarded, for you may be the cause of making the lives of thousands of people happier.

QUESTIONS AND SUGGESTIONS

(For Pupils who live in Cities.)

1. In what county is the city in which you live situated? When was it organized? What are its boundaries? What is its population? What are its industries? Can a city be situated in a town?
2. How many wards in your city? In which ward do you live? Bound the ward in which you live. How many councilmen or aldermen does each ward in your city send to the City Council? What are the qualifications of a good councilman? Name the councilmen who represent your ward.
3. Let a pupil obtain a copy of the report of the police department and describe its work. The report will show how many policemen are employed, what are their salaries, the number of arrests made, the causes for which the arrests were made, and other interesting facts. Reports of other departments may be similarly studied.
4. How does the rate of taxation in your city compare with that of other cities of equal size?
5. What is the amount of the debt of your city?
6. Does your city own its gas and electric light plants?
7. Has your city the reputation of being well governed?
8. What are the qualifications of a good Mayor?
9. How may young people help the cause of good city government?

XXI. THE STATE

"States make up the mass, the body, the organic stuff of the government of the country. To them is intrusted our daily welfare."
—*Woodrow Wilson.*

The Thirteen Colonies.—While studying the government of the city and town and county mention was made now and then of a larger government that is above the local governments and that holds them together and gives them their power. This larger government is the State, and it is the State that we are now going to study. We may best begin the study of the State by glancing at the history of State government in the United States.

At the outbreak of the Revolutionary War, three million English-speaking people lived along the coast of the Atlantic in thirteen distinct and separate colonies,—Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. These colonies were all dependent upon the English government; their inhabitants were subjects of the English king. But England was three thousand miles away, and it took, in those times, many weeks for a vessel to cross the Atlantic. As a result of this wide separation, England could not govern an American colony in the same way that she governed one of her counties at home. A colony in many things was allowed to govern itself. It

elected its own lawmakers, it appointed its own judges. Rhode Island and Connecticut even elected their own Governors also, and thus exercised the three powers of government,—the legislative, the executive, and the judicial. Aside from the tie that bound it to England, a colony had no other ties. Each colony was independent of all the other colonies. Pennsylvania had no more to do with its neighbor Maryland in the way of government than it had with Prussia.

The Thirteen Original States.—By the Revolution each colony made itself in many respects a free and independent nation,—a State. Instead of thirteen English colonies, there were thirteen American States. As quickly as possible, the people of each colony took up the difficult task of self-government. The first thing to be done was to change the colonial government into a State government. This was done by representatives of the people of a State agreeing on a plan as to just how the State was to be governed. This plan was put in writing and was called the constitution of the State. Each colony made for itself a constitution that suited best its own wishes and its own needs. The constitution of Virginia differed from that of Massachusetts, because the needs of Virginia were different from those of Massachusetts.

You must not suppose that the new State government that was formed differed very much from the old colonial government. The people of a colony, after many years of hard experience, had built up the kind of government they liked best, and they had become used to obeying certain

laws and observing certain customs. Now it is not possible—and you should think of this when you hear new schemes of government proposed—it is not possible for a people suddenly to make a complete change in their laws, customs, and habits. So the new State governments were necessarily very much like the old colonial governments. The colonies of Connecticut and Rhode Island did not form new governments at all, but took the old charters granted to them by England as their new constitutions.

The Admitted States.—In 1788–1790 the thirteen original States formed a Union under the Constitution of the United States. It was not long before other communities outside of the present boundaries of the original States wished to join the Union. Each was allowed to do this as soon as it had grown large enough in population and after it had adopted for itself a constitution that was acceptable to Congress. Vermont was the first new State thus admitted to the Union. This was in 1791. The next year Kentucky was admitted; and so on from time to time until, in 1912 (when New Mexico and Arizona received admission), thirty-five States had been admitted, making forty-eight in all.

The Outlines of a State Government.—From their history you would expect the governments of the several States to differ from one another and you would expect them also to resemble one another. Most of the people of the colonies from New Hampshire to Georgia were Englishmen in blood and speech and they all had English

notions of liberty and government and law. When the United States became a nation what had been English before became American, and as new States came into the Union they came in with American notions of liberty, government, and law.[1] So it is quite natural that the governments of the forty-eight States should be alike in many important respects. Each State

(1) Has a popular government.

(2) Has a written constitution.

(3) Has the three great departments of government.

(4) Supports a system of public schools.

(5) Provides for a system of local self-government.

(6) Makes most of the laws that regulate the citizen in his daily conduct and in his daily pursuits.

QUESTIONS AND EXERCISES

1. Name the States of the Union.

2. Bound the State in which you live. Is it one of the original States? If it is not, when was it admitted into the Union?

3. What is the origin of the name of your State? What is its nickname? What is the coat-of-arms of your State?

4. How many States have a greater population than your State? What is the area of your State? How many States have a greater area? How many States as large as the smallest State in the Union could be made out of the largest State in the Union?

5. Write a short composition on "Our State," telling about the history of your State, its size, its population, its industries, its resources, its schools, its cities, its great men, and giving reasons why you are proud of it.

[1] Louisiana when admitted (in 1812) had the French system of law.

XXII. THE STATE CONSTITUTION

"The basis of our political system is the right of the people to make and alter their constitution of government."—*George Washington.*

Meaning of the Word "Constitution."—You have met the word *Constitution* several times already, and, since you will meet it many times hereafter, you ought to try to understand clearly what it means. The word comes from *constituo*, a Latin word which means *fix, establish, settle.* The constitution of a debating society is a set of fixed rules by which the society is to be permanently governed, and from which it cannot rightfully depart. The constitution of a State is a document containing those *fixed* principles and rules by which a State must be governed, and from which neither the Governor, the lawmaker, nor the judge may depart. The constitution may be called the *fundamental* law of the State, because it is the foundation upon which all laws are built, just as the foundation of a house is the part upon which all the other parts rest. Think of a constitution as the foundation plan upon which a system of laws may be built.

Description of a State Constitution.—In the last lesson you learned that every State has a written constitution. Since this constitution is the fundamental law of a State you ought to have a clear notion of what it is like. I have before me the constitution of one of the States, and I will attempt to describe it to you very briefly.

It begins with a *Declaration of Rights*, which declares that a people have the right to govern themselves; that all citizens have a right to a trial by jury; that the Governor, the judges, and the lawmakers are responsible to the people for their actions; that all male adult citizens have the right to vote; that the legislative, executive, and judicial powers of government shall be separate; that there shall be freedom of speech and debate; that no one shall be compelled to give evidence against himself in a court of law; that the press shall be free; that no title of nobility shall be granted; that a man's religion shall not be made a test for holding office; that the people have in themselves the right to form a new government.

After declaring these and some other rights, the constitution takes up the three departments of government. As to the *executive* department, it states who may be elected Governor, how and when he may be elected, how long he shall serve, and what are his powers and duties. The powers and duties of other executive officers are also defined. After the executive we come to the *legislative* department. We are told what shall be the name of the Legislature, how it shall be composed, who may be its members, where it shall meet, how a law shall be passed, and, in a general way, what kind of laws shall be passed, and what kind may not be passed. After the legislative comes the *judicial* department. The qualifications, duties, and powers of judges are explained, and the boundaries of the different judicial circuits are defined.

Last of all comes the *miscellaneous* provisions. These

relate to education, corporations, public debts, taxation, and amendments.

The constitution altogether would make about forty pages of this book. There are forty-eight States, and each State has its own constitution and no two constitutions are alike, but all the State constitutions have a strong resemblance to the one that has been described.

How the Constitution of a State is Made.—The constitution of a State is made by a body of men who are chosen to make a constitution and to do nothing else. This body is called the *Constitutional Convention*. This convention is composed of delegates elected by the people of the counties and cities of the State. In this constitutional convention the needs and wishes of the people of the State are discussed, and a constitution is carefully drawn up.

After a constitution is agreed upon by the convention, it is usually submitted to the people to be voted upon. If a majority of the popular vote is cast for it, it stands as the constitution—the fixed plan of government. If it does not receive a majority of the votes, no further attention is paid to it; the work of the convention was in vain. If the people reject a proposed constitution, they must live under the old constitution until another convention is called, and a constitution is framed that will suit them. There have been some constitutional conventions that did not submit the constitution to the people to be voted upon, but instead declared it in force at once. In most of the States, however, the constitution

was voted upon and adopted by the people before it became the law.

How a Constitution is Changed.—We have called the constitution the fixed, unchanging plan of government. But it would not do for a constitution to remain unchanged and unchangeable forever. It sometimes happens that a plan is good at one time and yet bad at another time; and a constitution that might have been good and wise in the year 1850, may, by the year 1950, have become foolish or harmful. If, then, there is something in a constitution that ought not to be there, or if something ought to be there that is not there, how shall a change be made? The answer is: *By amendment;* the constitution is *mended* where it is weak. This is done as follows: The Legislature of the State passes the amendment which it thinks ought to be inserted in the constitution, and then submits the amendment to the people to be voted upon, for or against. If it gets the requisite number of the votes of the electors, the amendment becomes a part of the constitution.

When an entirely new constitution is desired, a new constitutional convention must be called. This is usually done as follows: The Legislature submits to the people the question, whether they wish a new constitutional convention or not. If the people vote *yes*, the Legislature provides for the election of the delegates to the convention. The election is then held and the elected delegates meet in convention, make a new constitution, and submit it to the people to be voted upon, as has been

explained. You see that a constitution is adopted directly by the votes of the people. It is not adopted by the representatives of the people: it is very nearly the work of a pure democracy.

QUESTIONS AND SUGGESTIONS

1. Get a copy of the constitution of your State, and examine it for answers to the following questions:

(*a*) When was the constitution adopted by the people?

(*b*) About how many pages of this book would it make?

(*c*) What are the principal rights declared?

(*d*) Are there any amendments to the constitution as it now stands? If so, when and why were they adopted?

(*e*) What provision of the constitution seems to be the most important?

(*f*) Do you find anything in the constitution that you would like to see changed?

(*g*) How would you proceed to get the constitution changed?

2. Elect a committee consisting of classmates to draw up a constitution for the government of a debating society. Provide in the constitution for election of officers, time and place of holding meetings, qualifications for membership, dues, fines, etc. The committee cannot do good work unless it takes as a model some suitable constitution already drawn up. The constitution drawn up should be submitted to the whole class for approval.

3. How many constitutions has your State had during its entire history?

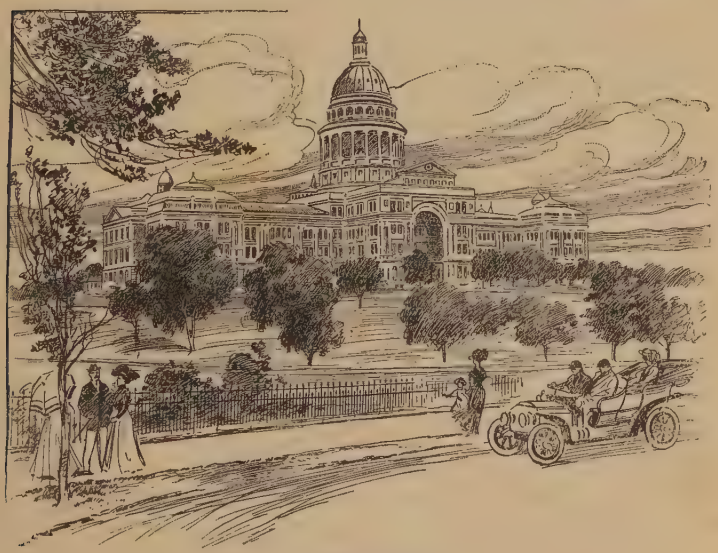
4. Would it be wise for Maine and Louisiana to exchange constitutions?

5. Does the constitution described in the lesson resemble closely the constitution of your State?

XXIII. THE STATE LEGISLATURE

"While acting as the representative of the people I shall be governed by their will on all subjects upon which I have the means of knowing what their will is, and upon all others I shall do what my own judgment teaches me will best advance their interests."—*Abraham Lincoln.*

When and Where the State Legislature Meets.—Each State has its *capital,* or the city in which the business of



A State Capitol

the State government is transacted. If you have ever been in the capital of your State, you have doubtless visited the *capitol,* or *Statehouse.* This is usually a hand-

some building, containing many halls and offices. In this building is done the most important work of the State government. Here the Governor of the State and his assistants have their offices; here the highest judges of the State hold their courts; here the Legislature of the State meets to make laws.

The Two Branches of the Legislature.—Let us suppose that you are in the Statehouse on the morning a Legislature assembles for the first time. When the hour for meeting comes, the lawmakers, who have been moving busily about in the corridors, talking with one another, divide into two bodies. The smaller number meet in a room at one end of the Statehouse. The men who meet in this room are somewhat advanced in years; they move about in a quiet and dignified manner. Many of them seem to be familiar with the place and to know how to begin with the business. These men are *senators*, this is the Senate chamber, and this branch of the Legislature is the *Senate*.

The larger number of lawmakers assemble in a large hall at the opposite end of the Statehouse. This body, as we look upon it from a gallery, differs much in appearance from the Senate. The men are of all ages, from the young man of two and twenty to the gray-haired man of seventy. A few of them are self-possessed and seem to be familiar with their surroundings, but many of them act as if they were in a strange place. These men are *representatives*, and this is the *House of Representatives*.

The Legislature of a State is always divided into these

two branches,—an upper house, or Senate, and a lower house, or House of Representatives. In some States the lower house is called the Assembly, in others it is called the House of Delegates, in New Jersey it is called the General Assembly. In many of the States General Assembly is a name for the whole Legislature.

Election of Members of the Legislature.—Both the lower house and the Senate are representative bodies, that is, the members of both are sent to the capital to act in the place of the people.

The counties (or towns) and cities are represented in the House of Representatives according to population. A county (or town), if it is small, may have but one representative, while a county with a large population may have two, or three, or four. In the same way a city may be represented by one, two, or more representatives, according as it is small or large.

How is the number of representatives for a county or city determined? Every five or ten years a *census* of the people is taken,—that is, the people are counted,—and from this census it can be determined how many representatives a county or city is entitled to. If it is the law that there should be at least one representative for 10,000 people, then a county with a population of 10,000 or under would be entitled to one representative; a county with a population of more than 10,000 and less than 20,000 would have two representatives; a city of 50,000 people, according to this rule, would have five representatives. But a lawmaking body should not be so large as to make it difficult to trans-

act business in a quiet and deliberate manner. A State with 1,000,000 inhabitants, represented by one representative for every 10,000 people, would have a House of Representatives consisting of 100 members. If the population of the State increases to 2,000,000, how would the law have to be changed so that the number of representatives would still be 100?

A senator represents a larger number of people than is represented by a member of the House. The State is divided into senatorial districts, and from each of these districts one senator is elected. A senatorial district may include several counties, or several senators may represent one county. It is generally provided by law that senators shall be older than representatives, and for this reason they are supposed to be wiser than members of the lower house. They are elected to serve for longer terms than representatives, and they usually are men who have had more experience in matters of government.

Organization.—After a *roll call* of the members, the first thing that is done in the newly elected House of Representatives is to choose a presiding officer, called a *Speaker*. The Speaker takes the chair, and then the House proceeds to elect some one who is not a member, as its *Clerk* or Secretary. The duty of this official is to write out in a large book, called the *Journal*, a full account of everything that takes place in the House. The House next elects a *Sergeant-at-Arms*, an officer whose duty it is to keep order in the House, and to bring absent members to their seats when their presence is needed to

make a *quorum*, that is, a sufficient number of members to do business.

When the clerk and sergeant-at-arms, and such minor officials as messengers and doorkeepers, have been chosen by the vote of the House, the Speaker announces the *Committees of the House.*

A committee of the House consists of a small number of members—three, or five, or seven, or nine—who have charge of some particular branch of legislative business. Thus if the Speaker appoints five members as the Committee on Education, all matters coming up in the House relating to education are first referred to this committee. There are a great many committees. The most important are those on Finance, Corporations, the Judiciary, Elections, Appropriations, Education, Labor, Manufactures, Agriculture, Public Buildings.

If we had remained in the Senate during its opening hour, we should have seen almost the same things that we saw in the House. There might have been some difference in the matter of the presiding officer. Most of the States have a *Lieutenant Governor*, and when this is the case, this officer, by virtue of his office, acts as *President* or *Chairman* of the Senate. Yet even where there is a Lieutenant Governor, the Senate elects a President *pro tempore*, who serves in the absence of that officer. So we may say that the Senate is organized in the same way that we saw the House of Representatives organized. It elects its Clerk, its Sergeant-at-Arms, its messengers and doorkeepers, and the President announces just such committees

as are announced in the House. After the two houses have been organized as described, the Legislature is ready to begin its work,—to make laws for the welfare of the people.

QUESTIONS FOR ORIGINAL WORK

(Answers to a number of these questions can be found in the constitution of the State.)

1. Is the capital of your State situated in the most suitable place? Are the citizens of the State proud of their Statehouse?

2. What is the name of the lower house of the Legislature of your State? What is the name of the Legislature taken as a whole? When does the Legislature meet? How long may it continue in session?

3. What are the qualifications for a senator in your State? For a representative? Do you know the name of the senator that represents you in the Senate? How many representatives in your Legislature? How many senators?

4. What is the method of representation in your State? Is it generally regarded as a just method?

5. Is there a Lieutenant Governor in your State?

6. What is the compensation of a senator? Of a representative?

7. What is "mileage"? What is regarded as a quorum in the Legislature of your State?

XXIV. THE STATE LEGISLATURE (*Continued*)

"The convention, the campaign, the election, the division of the powers of government, the exercise of political rights, are merely for the purpose of making a law."—*F. N. Thorpe.*

How a Law is Made.—Let us now see how a law is passed in the Legislature. We will suppose that many people in the State wish a law to be passed, compelling railroad companies to run their tracks, wherever there is a road or street crossing, either above or below the road or street, so that the lives of pedestrians or those riding in vehicles may not be endangered. How will they get the law passed? They will get one of their representatives in the Legislature to take up their cause for them. A member, let us say, of the House, will prepare a *bill*, that is, the draft of a law, which compels railroads to lay their tracks either above or below grade at all public crossings. When the day arrives for introducing the bill, the member gives it to the Clerk of the House to read. This is called the *first reading*.[1]

After it is read the Speaker immediately refers the bill to the proper *committee*, which, in this case, is the Committee on Railroads. In a few days the committee in its private room will give attention to the bill. Friends of the bill will appear before the committee and speak in

[1] The "first reading" often consists only of the reading of the title of the bill.

its favor; opponents of it will also be present to speak against it. After hearing both sides of the question, the committee makes its report to the House. If the committee thinks there is no reason for such a law, it reports "unfavorably," and there the matter will probably end: the bill is "killed in committee." But if the committee thinks well of the bill, it reports "favorably."

This means that in the opinion of the committee the bill ought to become a law. The title of the bill is again read in the House, and if no objection is raised, it is allowed to pass upon its *second reading.*

In its regular order the bill is taken up for its *third and last reading.* It is now read in full by the Clerk, and a discussion of it begins. Speeches are made in favor of it, and against it. If a member wishes to change a particular part of the bill, he offers an *amendment* to it. The amendment is voted upon, and if it receives a majority of the votes, the amendment becomes a part of the bill; if the amendment is voted down, the bill remains as it was before. After a full discussion and debate, the measure comes to a final vote. The Speaker asks the House, "Shall the bill pass?" The House answers the question by taking a vote. If a majority vote *aye* (yes), the bill passes; if a majority vote *no*, or if the *noes* equal the *ayes*, the bill is lost; it is "killed in the House."

Let us suppose it passes in the House. It is then taken by the messenger of the House to the Senate. Here it has the same history that it had in the House. It is referred by the President of the Senate to the proper com-

mittee, is read three times upon three different days, is fully discussed upon its last reading, is possibly amended, and is then voted upon. If it passes in the Senate with amendments, it must go back to the House in order that a vote may be taken upon it as amended by the Senate. When it has passed both Senate and House in the same form, the bill has passed the Legislature.

In nearly all the States, however, a bill that has passed both houses of the Legislature is not yet a law, but must be sent to the Governor of the State for his approval. If the Governor signs it, or if he takes no action upon it within a fixed number of days, it becomes a law. The Governor may, however, *veto* the bill (p. 76) and send it back with his objections stated in writing. The Legislature may then take another vote upon the bill, and if it again passes both houses, it becomes a law in spite of the Governor's veto. But in order to pass it over the Governor's veto, it must, as a rule, get more than a bare majority of votes. In some States it must receive the votes of two-thirds of the members present; in others it must receive a majority of the votes of all the members elected.

The Initiative and Referendum.—In some States, as in South Dakota, Oregon, Utah, Oklahoma, Missouri, Maine, Arizona, California, Idaho, Washington, and Ohio, the voters may engage personally in making the laws, by means of a device known as the "initiative and referendum." By this device a certain per cent of the voters may propose (*the initiative*) to the Legislature a bill which must be enacted into a proposed law and then referred

back (*the referendum*) to the people to be voted upon. Also, where the initiative and referendum is in force, the voters may keep their eyes on the work of the Legislature, and if they desire they may demand the privilege of voting on any law that the Legislature has passed. These are the words of the constitution of Oklahoma:

"The people reserve to themselves the power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option, to approve or reject at the polls any act of the legislature."

What the Legislature of a State May Do.—The best way to learn what the Legislature of a State may do, is to learn first what it may not do. First, it may not pass a law that is contrary to the constitution of the State. Second, it may not pass a law contrary to the Constitution of the United States. When we come to study this Constitution, we shall learn that there are certain powers of government granted to Congress, the body that makes laws for the United States. For instance, one of the powers granted to Congress is to manage the post offices of the country. A State Legislature, therefore, has no right to make laws relating to post offices. Again, in the Constitution of the United States, certain things are mentioned which a State must not do. For example, a State must not coin money. Hence, a State Legislature has no right to establish a mint.

Members of a State Legislature, then, should keep these two things in mind: First, they may not make laws

contrary to the constitution of their own State; and, second, they may not make laws contrary to the Constitution of the United States. So long as it does not violate either of these two rules, a State Legislature is free to pass almost any law it pleases. It would take too long to name all the laws that can be passed, and that are passed, in the Legislature of a State. Sometimes at one session more than a thousand laws are passed. The following is a list of a few of the things done by a State Legislature:

(1) It grants charters, or makes a general law, for the government of cities, boroughs, and villages; it also grants charters, or makes a general law, for the organization of railroad companies, banks, colleges, and many other institutions, public and private.

(2) It makes laws for the government of the public schools.

(3) It makes laws regulating taxation, licenses, fees.

(4) It defines the boundaries of counties and towns.

(5) It makes laws for the punishment of crime, such as treason, murder, arson, theft, bribery, forgery, fraud, perjury.

(6) It makes laws concerning property, such as relate to the sale of lands, the giving of mortgages, the granting of deeds, the making of wills, the settlement of the estates of bankrupts, the management of the estates of the dead.

(7) It makes laws concerning charity, health, marriage, divorce.

(8) It makes laws concerning the qualifications of voters and the time and manner of holding elections.

(9) It makes laws governing railroads, steamboats, canals, telegraph companies, telephone companies.

(10) It makes laws regulating hunting, fishing, mining, manufacturing, trading.

It is plain that most of the laws that regulate us in our daily conduct, and in our daily pursuits, are made by the State.

Honest Men for the Legislature.—Since the duties of the State lawmaker are so many and his powers are so great, citizens should make every effort to elect only honest and intelligent men to the Legislature. The lawmakers of a State should be the wisest and best men in the State. There is good reason to believe that in some States bad men get laws passed for their own private benefit. They do this through bribery. They offer members of the Legislature some inducement to vote for a bill that is against the interests or the comfort of the great mass of people, and in the interest of their own selfish schemes. The voter on election day should think of this and try to prevent it. He should not vote to send to the Legislature a man who he believes can be bribed. Just as the happiness of the people of a city depends, in a great measure, upon the kind of men they send to the City Council, so the happiness of the people of a State depends, in a large measure, upon the kind of men they send to represent them in the State Legislature. If we can get good laws through the Legislature of our State, we have advanced a long way on the road to good government.

QUESTIONS FOR ORIGINAL WORK

1. Why are there two branches of the Legislature? Why should a bill be passed in both houses before it becomes a law? Why should there be three readings of a bill?

2. Has a Governor of your State the veto power? What is the "pocket veto"? When a Governor vetoes a bill, does he act as a legislative or as an executive officer of government?

3. If the Legislature of your State is in session, find out what important measures are before it. Are you prepared to speak intelligently about any of these measures? Have you in mind any law you would like to see passed? How would you go about getting it passed?

4. With what two documents should a member of the Legislature be familiar?

5. What difference do you observe in the powers of the Legislature and those of the City Council?

6. What is meant by "sumptuary laws"?

7. What is meant by the "lobby"?

8. In what way may men be bribed without actually giving them money?

9. If a Legislature consists of a body of rascals, whose fault is it?

10. What is meant by "gerrymandering"?

11. What is meant by "log-rolling"?

12. What is meant by "filibustering"?

XXV. THE GOVERNOR AND HIS COLLEAGUES

"Strictly speaking, the Governor is not the head of the executive department, but a member of it. The executive department is parceled out in several pieces, and his is one of the pieces."—*John Fiske.*

The Governor.—As soon as the lawmakers have passed all the laws that seem desirable, they leave the capital and go to their homes. It is left to the officers of the executive department to see that the laws are obeyed. At the head of this department stands the Governor,—the pilot of the ship of State. The Governor is elected by the votes of the people. His term of office in some States is for one year; in others, it is for two years; in others, it is for four years. His powers are great, but they are granted to him by the people, and if he abuses his power, he may be impeached. What are his powers and duties?

The first duty of a Governor is to see that the laws are faithfully executed. If he learns that the law is being violated either by public officers or by private persons, he must take steps to have the laws obeyed. To secure obedience he may call to his assistance judges and sheriffs and even the soldiers of the State, for he is the commander in chief of the land and naval forces of the State. Sometimes when a mob is bent on destroying life and property, the Governor calls out the troops and sends them against the mob. When public business is to be conducted between

one State and another, the Governor acts in the name of the State.

It is the Governor's duty to send to the Legislature at the opening of the session a *message*. This message informs the Legislature of the condition of affairs throughout the State, and recommends the passage of such laws as the Governor thinks ought to be passed. The Legislature, however, is not bound to pass, or even to consider, the laws recommended in a message.

In time of danger or pressing need, if the Legislature is not in session the Governor may call it in *extra session*, so that it may at once pass such laws as the moment requires.

The Governor, in many States, has the power to pardon criminals. He may forgive the offense entirely and restore the criminals to freedom, or he may *commute* the punishment, that is, he may make it less severe. Sometimes, when a person is sentenced to be hanged, the Governor commutes the punishment to imprisonment for life. For a good reason he will give a *reprieve*, postponing the execution of the death sentence. In some States this matter of pardon, commutation, and reprieve is not left to the Governor, but is intrusted to a special body of officers, known as the Board of Pardons.

Another power of the Governor is that of appointment. In all the States there are many officers who are not elected directly by the people, but receive their positions by appointment. Many of these appointments are made by the Governor. In some States he has the appointment of the judges of the State courts—a great responsibility. When

an elective official dies or resigns before his term ends, the Governor fills the vacancy by appointing some one to serve until another election is held. When an officer is guilty of misconduct in office, the Governor in most States may remove him and put a better man in his place.

Other Executive Officers.—The Governor cannot attend to all the public affairs of a State. He must have assistants, just as the Mayor of a city has heads of departments to assist him. These assistants of the Governor are high executive officers of the State, and they are generally elected by the people. Below, you will find the names of most of them, with a short explanation of their duties:

(1) *The Lieutenant Governor.*—A lieutenant is an officer who takes the place of a higher officer, when that officer is absent or cannot attend to his duties. Most of the States elect a *Lieutenant Governor* to serve when the Governor is out of the State or is unable to be at his post. The duties of the Lieutenant Governor are very few. We have seen that he has the right to act as the President of the State Senate; but he has no vote in that body except when there is a *tie*, that is, when there is an equal number of votes for and against a measure. When there is a tie, the Lieutenant Governor decides the question by voting on one side or on the other. In such a case he is said to have the *casting* vote.

(2) *The Secretary of State*, sometimes elected, sometimes appointed by the Governor, is the highest clerk of the executive department. He has charge of State papers,

of the Journals of the Legislature, and of historical documents, statuary, paintings, relics, etc., owned by the State.

(3) *The State Comptroller or Auditor.*—A comptroller is a manager of accounts. The Comptroller of a State manages the financial business of the State government. He attends to business relating to the debt, the property, the claims, the revenue of the State. He superintends the collection of taxes due to the State, and examines the claims of those to whom the State owes money. When a debt of the State is to be paid, the Comptroller orders the State Treasurer to pay it.

(4) *The State Treasurer.*—We shall learn hereafter that when a town or a county collects money by taxation, a certain portion of the money usually must be given over to the State government. This money is sent to the State Treasurer. He either keeps it in a large safe at the capitol or gives it to some reliable bank to keep. He may not pay out a dollar of it without an order from the Comptroller.

(5) *The Attorney-General* is the law officer of the State, corresponding to the prosecuting attorney of the county. When the State needs the services of a lawyer, he appears for it in the courts.

(6) *The Superintendent of Public Instruction* is the highest school officer of the State. He prepares a report every year or every two years. In this report he states the needs of the schools and suggests how they may be improved. He presides at the meeting of County Superin-

tendents and at teachers' institutes, and furthers the cause of education in whatever way he can.

The foregoing executive officers are found in almost every State. In addition to these there are in many States still other executive officers and boards whose duties are very important. Among these may be mentioned:

(1) The State Insurance Commissioner.
(2) The State Board of Railroad Commissioners.
(3) The State Inspector of Factories.
(4) The State Liquor License Commissioners.
(5) The State Board of Charities.
(6) The State Board of Health.
(7) The State Tax Commissioner.
(8) The State Board of Pardons.
(9) The State Superintendent of Banks.
(10) The State Board of Medical Examiners.
(11) The State Commissioner of Agriculture.
(12) The State Board of Public Works.

It must not be supposed that every State has all these officers and boards, for each State has only such officers as it needs in the management of its own affairs. One officer will often perform the duties of two or more officers.

Impeachment.—If it is charged that a high officer of the State is guilty of misconduct in office,—if, for example, the Governor is accused of having accepted a bribe for signing or for not signing a bill, or if a judge is accused of trying cases while he is drunk,—the House of Representatives inquires into the charges, and if it finds that there is truth in them, it impeaches the offender, that is, it accuses

him of official misconduct. The trial of the officer thus impeached is conducted by the Senate. That body listens to the evidence against the impeached officer, and if it regards him guilty, it pronounces judgment against him. An officer who has been found guilty under impeachment, can no longer hold an office of honor, trust, or profit in the State.

QUESTIONS FOR ORIGINAL WORK

1. What is the name of the chief executive officer of your State?
2. Examine the constitution of your State for answers to the following questions:
   (*a*) What are the qualifications of the Governor?
   (*b*) What is the length of his term of office?
   (*c*) What is his salary?
   (*d*) Has he the power of veto?
   (*e*) Has he the pardoning power?
   (*f*) May he remove an inefficient officer?
   (*g*) What officers does he appoint?
   (*h*) If there is no Lieutenant Governor, who will fill the vacancy if the Governor should die or resign?
3. Ought the Lieutenant Governor to preside in the Senate at the trial of a Governor, whom the House has impeached?
4. When the Senate tries an impeachment case, does it act as a legislative or as a judicial body?
5. What are some of the qualifications of a good Governor? A good Comptroller? A good Attorney-General? A good State Superintendent of Public Instruction?
6. Have you read a Governor's message? What is a Governor's "proclamation"?
7. Does the constitution of your State provide for other executive officers not mentioned in the lesson?
8. Make out a complete list of the executive officers and boards of your State.

XXVI. JUDGES, JURIES, AND COURTS OF LAW

"No man's property is safe, and no man's welfare is assured where justice is denied to the poor, or where crime goes unpunished; no State can prosper where human rights are not respected."—*David A. Wells.*

The Judicial Department.—You have learned how a law is made, and you have learned the names and duties of those officers who compel obedience to the laws. But before an officer can punish a person for disobeying the law, it must first have been decided that the one accused is actually guilty. You will remember that the decision of this question is left neither to those who make the laws, nor to those who are to enforce them, but to a third body of men, the judicial officers or judges of the State. Every State has a complete judicial system by which citizens may defend their rights and secure justice. It is this judicial system that we are now to study. We will begin with the lowest part of the system and proceed to the highest.

The Justice of the Peace.—Let us suppose that a house has been burned in your neighborhood, and that a man named X is suspected of having burned it. Some citizen who is interested, perhaps the owner of the house, will file a complaint against X before a *justice of the peace.* This officer, though chosen for some one town or city or county, is an officer of the State, and he acts in the name of the State. He renders decisions only in small and unimportant cases. Thus, if a man is sued for a few dollars, or if he is ar-

rested for drunkenness, or fast driving, his case could be decided before a justice of the peace.

When the complaint of house burning is filed against X, the justice of the peace gives a constable, or policeman, a warrant for the arrest of the accused, who is brought into the justice's court. Since X is charged with having committed a serious crime,—the crime of arson,—the justice cannot try his case. But he can do this: He can listen to witnesses for and against X, and if he believes that the accused is probably guilty, he may send him to jail to await trial in a higher court. But this trial may not come up in a higher court for several months, and if X is an innocent man,—and the law supposes he is innocent until he is proved guilty,—it would be a great hardship for him to have to lie in jail for so long. This he need not do if he can get bail. To give bail, he must get one or more of his friends to sign an agreement to pay the State a certain sum of money if he should fail to appear in court for trial when he is wanted. This agreement is a bond, and those who sign it are bondsmen. If X runs away before trial, he is said to "jump bail." Let us suppose he is able to give bail, and that he awaits his trial like a man.

The Circuit Court.—The trial of X will take place before a judge or judges of the Circuit Court—in some States called the District Court, in others the Superior Court, in others the Supreme Court, in still others the Court of Common Pleas. This court sits in the courthouse of the county seat two or three times in a year. The same judge or judges may serve in several counties, going from one

county to another. It is for this reason they are so often called *circuit* judges. They are generally elected by the people, although in some States they are appointed by the Governor. In all cases, like justices of the peace, they act in the name of the State.

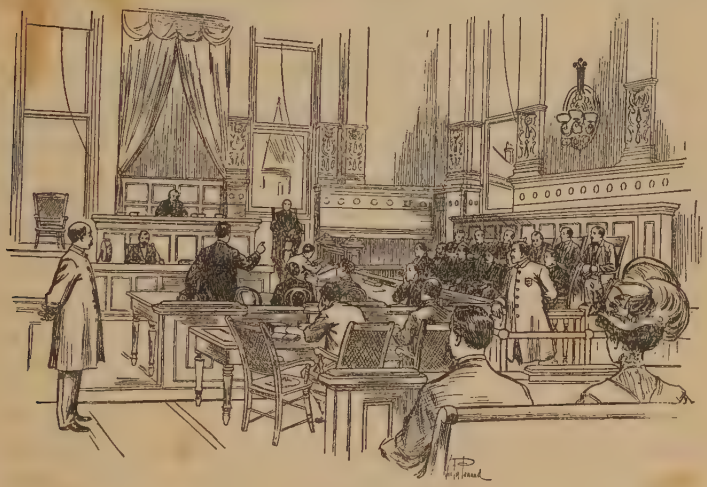
Into this Circuit Court X is brought for trial. The crime that he is accused of is supposed to have been committed not against the person whose house was burned, but against society, against the whole body of people, against the State. It is the State, therefore, that brings him to trial. The prosecuting attorney (p. 88) brings the case before the *grand jury*,[1] a body consisting of not less than twelve nor more than twenty-three citizens, whose business it is to find violators of the law and to present them to the court for trial. These grand jurymen summon the witnesses who will testify against X, but not those who will testify in his favor. If it is the opinion of at least twelve of the grand jury that X ought to be tried for the burning of the house, the prosecuting attorney will draw up an *indictment*, containing the charges against him, and the foreman of the grand jury will write across the back of the indictment the words, "A true bill." This means that X must stand a trial in court.

The examination by the grand jury was secret; but the trial in court is open to the public. When X is brought into court, the indictment is read to him, and he is asked

[1] In some States there is no grand jury. Where this is the case the prosecuting attorney determines whether a case shall be brought to trial.

whether he is "guilty" or "not guilty." His reply is called a *plea*. If his plea is "guilty," the judge sentences him to be punished according to law. If his plea is "not guilty," the judge appoints a time for his trial.

The trial begins by the selection of twelve men to act as a jury to decide whether he is guilty or not. This is



A Trial

called the *petit jury*, or *small* jury, to distinguish it from the grand jury. The members of the petit jury, like those of the grand jury, are chosen from among the citizens of the neighborhood,—from farmers, mechanics, merchants. Some of them may be neighbors of X. Before they are allowed to serve, they must swear that they have not formed an opinion upon the guilt or innocence of the prisoner, and that they will decide the case according to

the evidence that is presented to them. After they have taken this oath, the jurymen sit in the "jury box" and listen to the testimony of witnesses.

In a trial, there are always two parties, one called the *plaintiff*, who brings the complaint or suit into court, and another, called the *defendant*, or the one against whom the complaint is brought. In the case before us the State is the plaintiff, and X is the defendant. The prosecuting attorney, in behalf of the plaintiff, presents the case against the defendant and examines witnesses for the State. Another lawyer speaks in behalf of X and examines witnesses in his favor. After the evidence on both sides has been heard, and after the judge has given his charge to the jury, directing them on some points of their duty, the jury retire to a private room to talk the matter over and come to a decision. If they can all agree, they return to the courtroom with their *verdict*. If the verdict is "guilty," the judge will pronounce sentence upon the prisoner in open court and give him over to the sheriff for punishment; if the verdict is "not guilty," X is set free, and he cannot be tried again for the same offense (p. 44).

The Supreme Court.—If after X is sentenced, his lawyer can show that strict justice has not been secured, he may take the case to a higher court, usually called the *Supreme Court*, or *Court of Appeals*,—the highest court of the State. The judges of this court meet at the capital of the State and hear *appeals* in cases that have been tried in the lower courts. The Supreme Court will not try the case of X over again, but it will listen to his appeal, and if it is

shown that the judges in the court below did not try the case according to law, it will order a new trial and thus give X another chance for his freedom; if it finds that the trial was properly conducted in the lower court, X will have to bear his punishment.

Civil and Criminal Cases.—Cases that involve crime, like the case of X, are called *criminal*. Most of the cases, however, that are tried in courts do not relate to crime, but to the ownership of property. Such cases are called *civil*. The chief difference between a criminal and a civil case, is that in a criminal case the plaintiff is the State; while in a civil case, the plaintiff is a private person or a corporation. The history of a civil case in the courts is quite like that of a criminal case. If the amount of property at stake is small, it may be tried before a justice of the peace. If the amount is large, the case is tried in the Circuit Court (or District Court), and if satisfaction is not obtained, then it may be taken to the Supreme Court.

QUESTIONS AND EXERCISES

1. Examine the constitution of your State for answers to the following questions:
   (*a*) Name the different courts of the State.
   (*b*) Are judges of the courts elected or appointed?
   (*c*) What are the qualifications of a judge?
   (*d*) How long do the judges hold office?
   (*e*) What salaries are given to the different judges?
   (*f*) How may a judge be removed from his office?
   (*g*) Are justices of the peace elected or appointed?
   (*h*) Are there in this State other courts than those mentioned in the lesson?

2. Can the people choose by their votes a better judge than the Governor can select?

3. Why should the term of office of a judge be longer than that of other officers?

4. In what court would you sue a man for a debt of two dollars? For a debt of ten thousand dollars? In what court would a man accused of murder be tried? A boy accused of disorderly conduct?

5. Which are the most important, good lawmakers, good executive officers, or good judges?

6. What are some of the unpleasant things a judge is called upon to do?

7. Write a description of the kind of a man you think would make a good judge.

8. What are the advantages of trial by jury?

XXVII. THE NATIONAL CONSTITUTION

"Great were the hearts and strong the minds
Of those who framed, in high debate,
The immortal league of love, that binds
Our fair broad Empire, State with State."—*Bryant.*

Introduction.—We have now studied the leading facts connected with several of the governments by which we are controlled. We have studied the government of the family and learned the rights and duties of parents and children; we have studied the government of the school and learned the rights and duties of pupils and teachers; we have studied the government of the city, county, and town, and have learned what are the powers and duties of the officers of these governments; we have studied the government of the State and we have learned how State laws are made and enforced. We shall now take up the study of a government which spreads its power over all the States. I mean our National Government, the government of the United States.

The Articles of Confederation.—In 1783 the thirteen States were held together by the Articles of Confederation, a form of government that had been adopted during the Revolutionary War. Whatever may have been the value of these Articles in times of danger from a foreign foe, in times of peace they were almost worthless. They gave Congress a right to make certain useful laws, but they

gave it no power to enforce those laws; they gave it the right to declare war, but they did not give it the right to compel men to serve in the army; they gave it the right to borrow money, but they did not give it the right to raise money by taxation in order to pay the debt. In other words, the government of the United States under Articles of Confederation was a legislature only: it lacked the executive and judicial powers It was like a three-legged stool with two legs gone. Of course, such a government could not be respected.

Yet the people of the States felt there ought to be union, and that there ought to be a general government that would have power enough to make itself respected. What prevented such a union? It was the pride and jealousy of the States. Each State was free to do just as it chose, and if a strong union was formed, some of the freedom would have to be surrendered. Things went from bad to worse under the Confederation. Congress was mobbed at one time by a crowd of drunken men; soldiers who had served in the war clamored for their pay, but there was no way to raise money for them. One State quarreled with another. Washington and Madison and Hamilton and other statesmen saw these evils and took steps to remedy them before it was too late.

The Constitutional Convention of 1787.—It was one of the evils under the Confederation that the people of different States could not trade freely with each other. The New Jersey farmer could not carry his produce into New York without first paying a tax upon it. Each State

had its own customhouse, and collected taxes upon goods brought from foreign countries and turned the money into its own treasury. This made the burden of taxation unequal in the different States. With the purpose of remedying this state of things, and taking measures to make the laws of trade uniform, a convention was called to meet at Annapolis in 1786. But as only five of the thirteen States responded to the call the delegates thought it unwise to proceed further with the business. They did, however, make a report, recommending that another convention should meet in the following year. Congress issued the call for the convention, and all the States, excepting Rhode Island, sent delegates to it.

In May, 1787, these delegates from twelve States met in Philadelphia for the purpose of amending the Articles of Confederation in such a manner as to correct the evils which have been described. In this Convention were some of the ablest men our country has produced. There were Washington and Madison and Hamilton and Franklin. These men did not work for their own selfish interests, or even for the advantage of a particular State, but for the advantage of all the States. The sessions of the Convention were secret, but we know most of the things that were said and done in it. It soon agreed that the government under the Confederation was weak and worthless, and that an entirely new form of government was necessary. It saw that, instead of a "league of friendship," between the States, as the Confederation was called, there ought to be a real union of the people. How was this to be

accomplished? It could not be accomplished unless the States gave up some of their rights, and would they be willing to do this? Most of the members thought the States would. For four months the subject was debated, and at last a *Constitution* for the government of the United States was agreed upon.

Room Where the Constitutional Convention Met

The Constitution proposed by the Convention was sent to the several States for their approval. In almost every State it met fierce opposition. The new government, it was claimed, would crush out the rights of the States, and destroy the freedom of individuals. But the Constitution had strong supporters, and one by one the States voted to accept it. It was provided that when nine States approved of it, it should go into effect. By July, 1788, it

had been approved by nine States, and it therefore became the supreme law of the States which adopted it. The Constitution went into effect in April, 1789.

Amendments to the Constitution.—The Constitution framed by the Convention of 1787 is the Constitution under which we live to-day. Seventeen important amendments, however, have been added to it. At first many people were fearful lest the new National Government would prove to be a giant that would crush the rights of States and of citizens. So the States hastened to add the first eleven amendments, which are intended to curb the power of the National Government. In 1804 the Twelfth Amendment was added for the purpose of preventing confusion in the election of the President and Vice President. The Thirteenth Amendment abolished slavery. The Fourteenth Amendment made it impossible for the States or for the United States to deprive any person of life, liberty, or property without due process of law (p. 44). The Fifteenth Amendment declares that the right of suffrage shall not be denied on account of race, color, or previous condition of servitude. The Sixteenth Amendment gives Congress full power to levy an income tax. The Seventeenth Amendment provides for the election of Senators by popular vote.

QUESTIONS AND EXERCISES

(Examine the Constitution for answers to the following questions.)

1. Name ten leading men who sat in the Convention of 1787.
2. Describe two ways by which the Constitution of the United States may be amended.
3. Repeat the Preamble to the Constitution of the United States.

XXVIII. CONGRESS

"The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man."—*William E. Gladstone.*

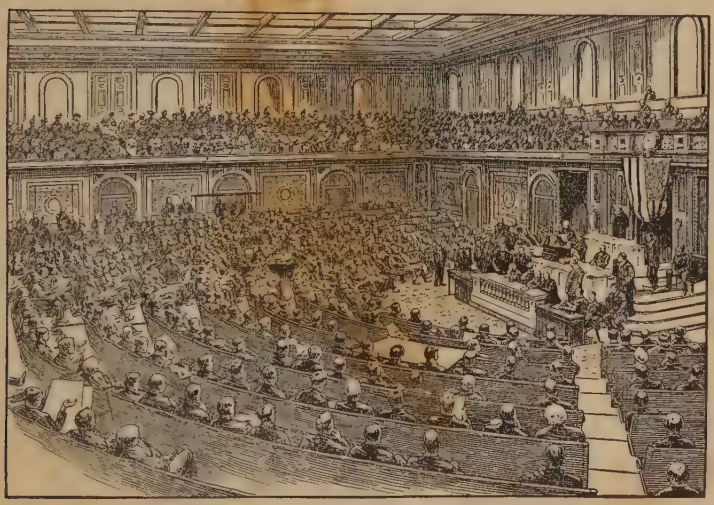
The Two Houses of Congress.—The men of the Convention of 1787 came together for the purpose of simply *revising* the old Articles of Confederation, but they soon found that the old government was not worth patching up. So they bravely planned an entirely new government, one that was to have enough power and that was to have officers enough to do the work of a government. They provided for a government of three departments, the legislative, the executive, and the judicial.

The Constitution provides first (Article I) for the legislative branch. It provides that laws of the National Government shall be made by a body called a Congress, and that the Congress shall have two branches, a Senate and a House of Representatives. This Congress every year, on the first Monday in December, meets in the magnificent Capitol at Washington; the Senate at the north end of the building, the House of Representatives at the south end.

The House of Representatives.—It is the purpose of the Constitution that the will of the people shall be expressed in the House of Representatives. Hence, members of this branch of Congress are elected by a direct popular

vote, and each State is represented according to its population.

During the first years of National Government a State was allowed one representative for every 30,000 inhabitants. If this number had remained unchanged, the House of Representatives would now consist of about 3000 members, and would be a body much too large for

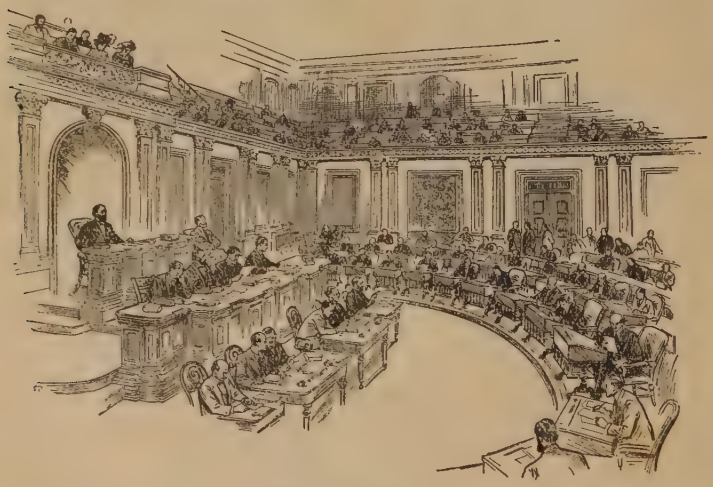


House of Representatives in Session

the transaction of business in a deliberate way. But it has not remained unchanged; as population has increased, the number of inhabitants for each representative has been made larger. At the present time each State is allowed to send one representative for every 211,877 inhabitants. This gives Delaware one member in the House, and New York forty-three members. The representa-

tives from all the States number 435. Each State is divided by its Legislature into a number of *Congressional Districts,* each district containing, as near as may be, 211,877 inhabitants. Thus Iowa, with 2,224,771 inhabitants, is divided into eleven congressional districts, and is entitled to eleven members in the House of Representatives.

The House of Representatives, upon meeting, organizes in very much the same way that the lower house in a State Legislature is organized. A Speaker, a Clerk, a Sergeant-at-Arms, and Messengers are elected, and the Committees of the House are chosen.



Senate in Session

The Senate.—The States are represented in Congress by senators. It was the purpose of those who framed the Constitution to preserve the power and dignity of the

State as far as possible. For this reason one State is as well represented in the Senate as another; each State, whether great or small, being entitled to two senators. Nevada, with a population of less than 100,000, has as much power in the Senate as has New York, with a population of nearly 10,000,000. This, at first sight, may seem to be unjust, but the more you study the subject the more reason you will see for the law. Probably the only way to enable the smaller States to preserve their rights is to give them equal power with the larger States in the Senate. Senators are elected directly by the voters of the different States. The election is so arranged that when a new Congress meets only one third of the Senate can consist of new members. As there are now forty-eight States, the Senate consists of ninety-six members; and sixty-four or more of these are experienced lawmakers.

How a Law is Passed in Congress.—A law is passed in Congress in almost the same way that one is passed in the Legislature of a State. A bill is introduced into one of the houses is referred to its proper committee, is reported upon, is read three times upon three different days, is voted upon, and if it receives a majority of votes, is sent to the other house, where it has almost the same history. If it passes in this house, also, it is sent to the President for his approval. If he approves the bill, he signs it and it becomes a law. If he does not approve it, he vetoes it; that is, he returns it without his signature and with his objections. If the bill is voted upon again, and is favored by a two-thirds vote in each house, not-

withstanding the objections of the President, it becomes a law without his approval.

The Power of Congress Limited.—What are the powers of our national lawmaking body? A glance at history will help you to understand the answer to this question. You remember that just after the Declaration of Independence each State had in itself nearly all the powers of government. Almost everything that a government can wisely do the government of a State could do. The States were proud of this great power. Like individuals they loved their pride and their will. Now, when the Union was formed, in 1787–89, it was necessary to give up some of this power. But the States were careful to give up as little power as possible, and they were extremely careful to have it understood just what powers they meant to give up, and to reserve for themselves all powers that they did not give up. Therefore, certain definite powers of the new government were plainly stated in the Constitution. These powers it might exercise, and no others. All powers not granted to the general government were reserved to the State. The answer to the question, "What can Congress do?" is this: It can do what the Constitution says it can do, and it can do no more. The answer to the question, "What can the Legislature of a State do?" is this: It can do anything that is not contrary to the constitution of the State, or to the Constitution of the United States. In other words, Congress is a lawmaking body with limited powers. What these powers are will be the subject of the next lesson.

QUESTIONS AND EXERCISES

1. Examine the second and third sections of the first Article of the Constitution and fill the blanks properly:

A member of the House of Representatives is elected to serve for —— years. No person can be elected in this branch of Congress unless he is at least —— years of age and has been a citizen of the —— for at least —— years. He must also, when elected, be a resident of the —— in which he is elected. A senator of the United States is elected by the —— of a —— to serve for —— years. He must be at least —— years of age, and must at the time of his election be a resident of the —— in which he is elected.

2. What are the names of the senators who represent your State in Congress?

3. How many representatives does your State send to Congress? In what congressional district do you live? What is the name of your representative? Does your State send to Congress men of distinction?

XXIX. CONGRESS (*Continued*)

What Congress May Do.—Most of the powers of Congress are stated in the eighth section of the first article of the Constitution. That section gives Congress the power:

(1) "*To lay and collect taxes*," for the support of the National Government. How great is the sum necessary to support the National Government and how Congress raises this sum will be learned hereafter (p. 219).

(2) "*To borrow money on the credit of the United States*." —When a government borrows money it gives the lender a note of promise stating the amount loaned, the time of payment, and the rate of interest to be paid. The notes thus issued by a government are called *bonds*. The United States has borrowed vast sums by issuing bonds. At one time (in 1866) its debt was nearly $3,000,000,000, but this amount has been greatly reduced.

(3) "*To regulate commerce with foreign nations and among the several States*."—You remember it was a desire to regulate commerce that led to the calling of the Convention of 1787. Under this power Congress regulates the importation of foreign goods, makes rules for the regulation of foreign shipping, regulates immigration, provides life-saving stations along the coast, improves harbors, opens rivers to navigation, directs the work of the

great Interstate Commerce Commission (of which we shall learn on p. 198), and does many other useful things.

(4) "*To establish an uniform rule of naturalization*" (p. 35).

(5) "*To establish laws on the subject of bankruptcies.*"

(6) "*To coin money.*"

(7) "*To fix the standard of weights and measures.*"—A yardstick should be just as long, and a pound weight just as heavy in Pennsylvania, as the one or the other is in California, and Congress has the right to require that this shall be the case. The National Government presents a full set of weights and measures to the government of each State, and the State adopts these as correct. Thus throughout all the States merchants use standard weights and measures.

(8) "*To provide for the punishment of counterfeiting the securities and current coin of the United States.*"

(9) "*To establish post-offices and post-roads.*"

(10) "*To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.*"—Authors are encouraged to write good books by giving them a *copyright* upon their works. The person who has a copyright upon a book is the only one who can print and sell it. A copyright lasts for twenty-eight years. It is secured by entering the title and sending two copies of the printed book, on or before the day of publication, to the Library of Congress in Washington. Congress encourages useful inventions by granting *patents* to in-

ventors. A patent upon a machine gives the one who holds the patent the exclusive right to make and sell or use the machine. Rights under a patent last for seventeen years. The inventor sends a drawing and a model of his invention to the Commissioner of Patents, at Washington, and if it is found that he has invented something really *new* a patent will be granted.

(11) "*To constitute tribunals inferior to the Supreme Court.*"

(12) "*To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.*"—Piracy is robbery upon the sea. The National Government punishes pirates because their crime is committed outside of the boundary of a State. When a citizen commits an offense against a foreign nation the injured nation regards the offender as a citizen of the United States, and not a citizen of a State. It is the National Government, therefore, that must punish piracies and offenses against the law of nations.

(13) "*To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.*"—As the evils of war would fall on many States, it is not right that a single State should be allowed to declare war. War, therefore, can be declared only by Congress, and conducted by the National Government. Sometimes Congress has granted to private persons the right to go and seize certain property belonging to a foreign country. Such a commission, called a *letter of marque and reprisal*, cannot be granted by a State. When in times of war

valuable property is captured, the prize must be divided among the captors according to the directions of the National Government.

(14) "*To raise and support armies.*"

(15) "*To provide and maintain a navy.*"

(16) "*To make rules for the regulation of the land and naval forces.*"

(17) "*To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.*"—The *militia* of a State consists of all its able-bodied male citizens between the ages of eighteen and forty-five. The law usually excuses the civil officers of government, clergymen, teachers, physicians, and firemen from military service. With these exceptions, every strong man in the country is a member of the militia, and may be called upon to serve in the army.

(18) "*To exercise exclusive legislation*" over the District of Columbia.

(19) "*To make all laws which shall be necessary and proper for carrying into execution the . . . powers vested by this Constitution.*"

Besides the powers mentioned in the eighth section of the first article, the Constitution elsewhere gives Congress power:

(20) "*To provide for the case of removal, death, resignation, or inability, both of the President and Vice President.*"—Under this power, Congress has passed a law providing that if both President and Vice President die, the Secretary of State shall act as President; if the Secretary of

State dies, the Secretary of the Treasury shall act as President; and so on down in the Cabinet, the Secretary of War coming third, the Attorney-General fourth, the Postmaster-General fifth, the Secretary of the Navy sixth, the Secretary of the Interior seventh.

(21) *To admit new States into the Union.*

(22) *"To make all needful rules and regulations respecting the territory belonging to the United States."*

What Congress May Not Do.—In order to guard the interests of the States, the framers of the Constitution were careful to mention certain things that the National Government may not do. What these things are may be found in the ninth section of the first article of the Constitution.

(1) *Slavery.*—The first prohibition refers to the importation of slaves, but as slavery has been abolished we may pass this subject by. (See Article XIII of the Amendments.)

(2) *The writ of habeas corpus* (p. 38) shall not be suspended, except in cases of rebellion or invasion.

(3) No *bill of attainder* shall be passed. This means that Congress may not condemn a person to death, or to outlawry and banishment, without opportunity for defending himself in a court of law.

(4) No *ex post facto* law shall be passed. An *ex post facto* law establishes or increases the penalty of an act after it has been committed. For example, if Congress should pass a law establishing the penalty of death upon a man found guilty of counterfeiting a year ago, when the penalty

a year ago was fine and imprisonment, such a law would be *ex post facto*.

(5) "*No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.*"—This means that if Congress should pass a capitation tax, or poll tax, it must be the same in all States. If a direct tax on property should be laid by Congress, it would have to be apportioned among the States in proportion to their populations.[1] Thus, if the United States Government should raise $35,000,000 by a direct tax, the property holders of Georgia would pay about $1,000,000 of the sum, for the population of this State is about one thirty-fifth of the entire population of the Union.

(6) "*No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.*"

(7) "*No title of nobility shall be granted by the United States.*"—Such titles as Prince, Duke, Earl, etc., are not in keeping with democratic government, and very properly they cannot be conferred by Congress.

AN EXERCISE

Give reasons why each of the powers which have been granted to Congress ought to be exercised by the National Government rather than by the State.

[1] The Sixteenth Amendment excepts the income tax from this restriction.

XXX. THE PRESIDENT; HIS ELECTION

"Sir, I would rather be right than be President."—*Henry Clay.*

Introduction.—The Congress, making use of such powers as the Constitution gives it,—the powers described in the last lesson—passes the laws that seem to be necessary, and then adjourns; the more than 500 members of the great lawmaking body leave Washington and return to their homes. The duty of enforcing and executing the laws of Congress rests almost entirely with the executive department, at the head of which is the President of the United States.

One of the first things we want to know about the President of the United States is, how is the great official chosen? How do 100,000,000 people select one of their number to act as their chief magistrate? The Constitution provides in a general way [1] for the election of the President, but since that election is conducted by political parties we can best understand the election of the President by observing the workings of a political party during a year in which a President is to be elected.

The Nomination of a Presidential Candidate.—Before a man can hope to be President, he must be named as the candidate of a great party. Among the millions of voters in a great political party, there are many public men who

[1] See the first section of Article II and also the Twelfth Amendment.

are eager to be its candidate for President. The first question to be answered, then, is: How is the presidential candidate of a political party elected? How, for illustration, does the Democratic party select its candidate?

The first step is taken several months before the election in November. In April or in May, the party holds its (1) *Primary*, or first election.[1] At this election the Democratic voters in the different townships, villages, and cities of a county choose delegates to represent them in a county Democratic convention.[2] These delegates may go instructed to act in the interest of a certain man as the party candidate for President, or they may go free to act as their judgment directs.

In a few days after the primary election the delegates from all the townships, villages, and cities of the county assemble (usually at the county seat) as the (2) *Democratic County Convention.* This body, consisting sometimes of only two or three dozen men, sometimes of a much larger number, elects delegates to go to a State Convention.[2] These delegates, in turn, may be instructed or uninstructed.

A few weeks after the holding of the county convention, delegates from all the counties of the State assemble at some convenient place, as the (3) *Democratic State Convention.* This body, consisting sometimes of several hundred

[1] Sometimes called a *Caucus.*

[2] In some States, however, there is a district convention instead of the county convention, and in some this convention is omitted, and the delegates to the State convention are chosen by the voters in the primary.

men, passes resolutions expressing the political views of the party in the State, names its choice for presidential candidate—if it happens to have a choice—and elects delegates to the Democratic National Convention. The number of delegates sent to represent a State in the Democratic National Convention, is twice the number of the senators and representatives of the State in the National Congress. In most of the States, however, the State Convention elects only four delegates (called delegates at large) to the Na-

A Convention

tional Convention, the other delegates being elected at Congressional District Conventions. In some States the delegates to the National Convention are chosen or instructed, or both, by the voters at the primaries.

By July or August all the State conventions have been held, and delegates have been elected to the great (4) *Democratic National Convention.* This body, consisting of more than

1000 men, representing all parts of the country, meets in some convenient city. After several days of discussion, and after adopting a *platform* expressing the views of the party upon public questions, it elects the Democratic candidates for President and for Vice President.

In almost the same way, beginning with the primary election, and advancing to the County, State, and National conventions, the Republican Party selects its presidential candidates. The other political parties, the People's Party, the Socialist Party, and the Prohibition Party, select their candidates in a somewhat different manner but in most things all the parties follow the same plan.

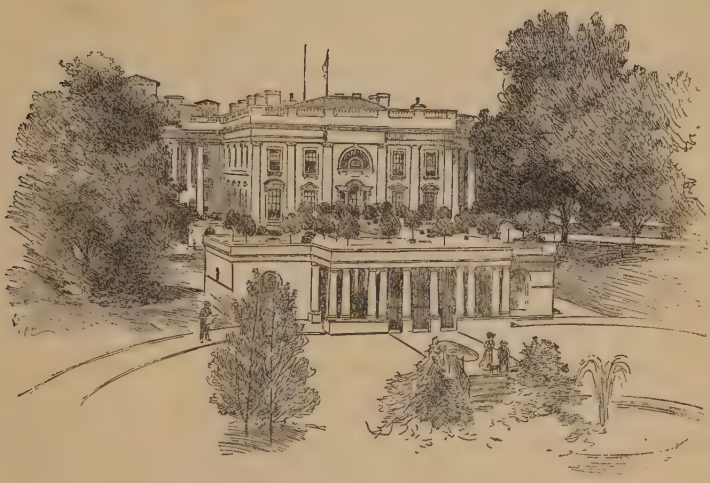
The Election of the President.—After all the political parties have named their respective candidates, the campaign begins. Political meetings are held, at which orators set forth the claims of their candidates and defend the platform of their party; in the cities processions march through the streets with great display of banners, torches, and fireworks, while bands of music play spirited airs; everything that can be done to influence voters is done. The campaign continues until election day, the first Tuesday after the first Monday in November. On this day every fourth year about 15,000,000 citizens go to the polls to express their choice for President. But they do not vote for a President directly; they vote for a set of men called *Electors*, whose duty is to vote for a President and Vice President. Each State is entitled to a number of electors equal to the number of its senators and representatives in Congress. Delaware, having one representative

and two senators, is entitled to three electors; New York, having forty-three representatives and two senators, is entitled to forty-five electors. There are in all the States 531 presidential electors. The names of the State electors of each party are printed on the ballot under the party name, and those who receive the highest number of votes are elected and are morally bound to vote for the candidate of the party that elected them.

The successful electors of each State meet on the second Monday in January following the election, and vote for President and Vice President. The result of this vote is sent in a sealed envelope to the President of the Senate at Washington. On the second Wednesday of the following February, the President of the Senate, in the presence of both Houses of Congress, opens the envelopes containing the electoral vote of the different States, and the votes are counted. The person who has a majority (266 or more) of the votes cast for President, is declared to be elected President of the United States, and the person who has a majority of the votes cast for Vice President is declared to be elected Vice President of the United States. (See Constitution, Article XII of Amendments.)

Cases have happened in our history when no candidate had a majority of all the electoral votes. When this is the case the House of Representatives chooses a President and the Senate a Vice President. When electing a President, the House must choose from the three highest on the list of the persons voted for by the electors, and it must vote by States, the majority of representatives from

each State casting one vote for their State, and the representatives of two-thirds of the States must take part in the election. The successful candidate must receive a majority of the votes of all the States. When the Senate is obliged to elect a Vice President, it must choose from the



The White House

two highest on the list of the persons voted for by the electors.

Inauguration.—On the fourth of March, the newly elected President and Vice President begin their duties. In the presence of a vast throng of citizens the Chief Justice of the United States administers to the President-elect the following oath: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve,

protect, and defend the Constitution of the United States." The President then delivers his inaugural address, from the eastern steps of the Capitol, outlining his policy and stating his ideas upon public questions. After this inauguration he is driven to the executive mansion, generally known as the "White House," where he resides during his term of office, and where you may some day see him and shake hands with him.

QUESTIONS AND EXERCISES

1. Examine Article II of the Constitution, and fill the blanks properly:

Both President and Vice President hold their position for —— years. No person may be President who was not born in the ——, and who is not —— years of age at the time of his ——, and who has not been a resident within the —— for —— years. If a President should be removed from his office or should —— or —— or be —— to discharge the powers and duties of his ——, the position of —— shall be filled by the ——.

2. Ought the President to be elected directly by the people?

3. How many Presidents have been elected a second time? What are the objections to electing a President for a third term?

4. How many votes were cast for presidential electors at the last election?

5. Is it possible for a man to be elected President without receiving a majority of the votes of the people?

6. What are the qualifications for the office of Vice President?

XXXI. THE PRESIDENT AND HIS CABINET

"As the citizen may not elect what laws he will obey, neither may the Executive elect which he will enforce."—*Benjamin Harrison.*

The Powers and Duties of the President.—The President does for the United States what a Governor does for one of the States—he takes care that the laws are faithfully executed. His powers and duties are stated in the second and third sections of Article II of the Constitution.

He is commander in chief of all the troops in the service of the United States, although in times of war he may not appear personally upon the field of battle.

He may pardon criminals convicted for offenses committed against the United States.

He may make a treaty with a foreign country, provided two-thirds of the members of the Senate vote for it. A treaty is an agreement between two nations to do or to refrain from doing certain things. It may be to make war upon a third nation, or to maintain peace, or to regulate commerce or the carrying of mails, or for any other purpose. It is through treaties that the different nations of the world attempt to secure the good will of one another, and the responsibility of making treaties rests with the President and the Senate.

At the beginning of a session of Congress the President sends to that body, or delivers in person, a *message,* in

which he calls attention to the needs of the country and suggests such legislation as seems necessary. Congress is not obliged to follow his suggestions any more than the Legislature of a State is obliged to follow the suggestions contained in a message from the Governor.

When Congress is not in session and it seems necessary that certain laws should be passed as quickly as possible, the President may call an *extra session*, just as the Governor of a State may call an extra session of the Legislature.

The Great Executive Departments.—Upon the shoulders of the President rests the responsibility of the management of the entire business of the National Government. He is responsible for the management of foreign affairs, which includes the making of treaties, the appointing of ministers and consuls to serve in foreign countries and instructing them in their duties, the reception of foreign ministers in Washington, the giving of passports to those who wish to travel abroad, the protection of American citizens in other lands, and all other business that arises between our government and other governments. He is responsible for the management of the army with its officers and troops and forts and equipment and military schools; for the management of the navy with its fleets and forts and training schools; for the management of much business conducted by United States attorneys in the national courts; for the collection of taxes, the expenditure of money appropriated by Congress, and the management of the public debt; for the management of the vast business of the post office with its post office

buildings and postmasters, letter carriers, and clerks; for the management of the Indians, the sale of public lands, the payment of pensions, the granting of patents; for much work done by the government in aid of scientific farming; for the taking of the census, the regulation of commerce, the work of government fish hatcheries, and many other things.

Of course, the President cannot superintend all this business in person. Like the executive of any other large government, like the Governor of a State or the Mayor of a city, he must have a body of able assistants. This business of the National Government is divided into ten departments, and at the head of each department the President places a man who he thinks is competent to manage its affairs. The names of the departments, with the titles of the head officers, are:

(1) *The Department of State*, under the management of the Secretary of State, who is at the head of foreign affairs.

(2) *The Department of War*, under the management of the Secretary of War.

(3) *The Department of the Navy*, under the management of the Secretary of the Navy.

(4) *The Department of Justice*, under the management of the Attorney-General.

(5) *The Department of the Treasury*, under the management of the Secretary of the Treasury.

(6) *The Post Office Department*, under the management of the Postmaster-General.

(7) *The Department of the Interior,* under the management of the Secretary of the Interior.

(8) *The Department of Agriculture,* under the management of the Secretary of Agriculture.

(9) *The Department of Commerce,* under the management of the Secretary of Commerce.

(10) *The Department of Labor,* under the management of the Secretary of Labor.

Cabinet Meetings.—The officers who serve as the heads of the great departments meet at the White House once or twice a week to consult with the President and to advise

A Cabinet Meeting

with him in respect to public affairs. This coming together of the heads of the departments is known as a *Cabinet Meeting.* Cabinet meetings are not provided for in the Constitution. They are held simply for the convenience of the President, who desires, of course, to consult with his secretaries from time to time and to get advice

from them. No record is kept of the cabinet meetings, and the public does not know what takes place at them. The cabinet may take a vote upon a question that is before it, but the President is not bound to act according to the result of the vote. The business of the cabinet is to discuss and advise; the business of the President is to decide and act.

The National Civil Service; the Civil Service Commission.—The work of the National Government requires the services of about 400,000 persons, not counting the soldiers in the army or the sailors in the navy. About 35,000 of these officers and employees reside in the city of Washington. The others are scattered over the country, serving principally as postmasters, letter-carriers, clerks, customhouse employees, inspectors. We are apt to think of Washington as the place where nearly all the business of the National Government is transacted, but it should be remembered that for every person whom the National Government employs in Washington it employs about ten elsewhere.

How do these 400,000 servants of the National Government receive their positions? They receive them in two ways: they are either appointed directly by the President or they are appointed directly by the heads of the departments. Those appointed by the President—more than 9000 in number—must be confirmed by the Senate. The presidential appointees are the leading men of the government, the heads of the departments and their chief assistants, the heads of bureaus and of divisions, the postmasters of the larger places, the chief customhouse offi-

cials and collectors of internal revenue. All the vast army of officers and employees not appointed directly by the President are appointed by the heads of the departments.

In order to help in the work of securing proper persons for the departments a Civil Service Commission has been established. It is the duty of this body to examine those who wish employment under the government and to report on the fitness of the applicants. The names of the persons who pass the examinations held by the Commission are sent to the heads of the departments, and the persons who get the highest marks are the first to be appointed. Those who pass these civil service examinations and receive appointments are allowed to hold their places so long as they behave themselves and do their work well. Any person, however, in the executive civil service of the National Government, whether he be high or low, may be removed from his position at any time by the President, and may be removed for any reason or for no reason.

Salaries.—The salaries of the principal officers of the National Government are as follows:

President	$75,000
Vice President	12,000
Members of the Cabinet	12,000
Chief Justice of the Supreme Court	15,000
Associate Justices of the Supreme Court	14,500
Judges of Circuit Courts	7,000
Judges of District Courts	6,000
Representatives	7,500
Senators	7,500
Foreign Ministers and Ambassadors	10,000 to 17,500
Heads of Bureaus and Divisions	3,000 to 6,000

QUESTIONS AND EXERCISES

1. Name the members of our President's cabinet.

2. What is meant by the words "To the victors belong the spoils"?

3. How would you proceed if you wished to secure a position as a clerk in a post office? (Write to the United States Civil Service Commission, Washington, D. C., for a booklet giving information about admission to the national civil service.)

4. Ought employees of the civil service to receive pensions in their old age?

5. Name all the officers and employees of the national civil service whom you personally know.

XXXII. THE NATIONAL EXECUTIVE DEPARTMENTS

"Cultivate peace and harmony with all."—*Washington.*

Introduction.—We may now begin to study the workings of the great executive departments of our National Government. The business of these departments extends over the whole of the United States. Indeed the business of some of them extends over the entire world. The central offices, however, of all the departments are located at our national capital, and it is in these great government workshops, the department buildings at Washington, that we can best study the subject that is now before us.

The Department of State.—Of all the large and magnificent office buildings in Washington the largest and most magnificent is the State, War, and Navy Building located about a stone's throw west of the White House. This building might well be called the Peace and War Building, for beneath its roof are done both the things that keep us on terms of peace and friendship with foreign nations and the things that enable us to wage war on land and on sea. In this huge structure are the offices of the Department of State, the Department of War, and the Department of the Navy.

The Department of State is the department of foreign

affairs. The United States must transact a great deal of business with the other countries of the world, and the management of this business is in the hands of the Secretary of State. Every important nation sends to Washington an *ambassador* or *minister* whose duty is to represent his home country and to defend its interests in the United States. The Secretary of State assists the President in receiving these ambassadors and ministers upon their arrival in Washington, and does what he can to make their

State, War, and Navy Building

stay in the city pleasant and agreeable. A foreign minister is a very important personage and he must be treated with great honor and distinction. The land on which he lives is regarded as a little patch of sacred territory upon which no one must enter against the wishes of the minister. The person of a foreign minister is also regarded as

sacred, and so are the persons of the members of his family and of his secretaries and servants. A secretary of a foreign ambassador was arrested in a New England town for running an automobile too fast, and was fined. The State Department took the matter up and caused the money to be given back, and the judge who imposed the fine was reprimanded.

Besides attending to the business that is brought up by the foreign ambassadors and ministers residing in Washington, the State Department has charge of the work carried on by our own ambassadors and ministers in other countries. In almost every country of the world the United States has either an ambassador or a minister. The ambassador is the higher officer in rank and is supposed to be the personal representative of the President himself. An ambassador and a minister have practically the same duty, and that is to uphold and defend the interests of the United States and its citizens in the countries to which they are sent.

The State Department also has charge of the consular service of the United States. A consul is a business agent sent by the government to a foreign seaport or an inland city to look after the commercial interests of the home country. The consul also attends to many affairs of a private nature. He certifies to marriages, births, and deaths among his countrymen in his consular district; he looks after the property of deceased persons when there is nobody else at hand to do this; sometimes he issues passports. Very often in the hour of need the American citi-

zen in a foreign land finds in the American consul a real friend.

The Department of War has charge of the land forces of the United States. It has control of the regular or standing army, the army that is always ready for fighting. This army when compared with the regular armies of other countries is very small, consisting of less than 100,000 men. In times of peace this number is large enough, but in times of war it is of course too small. When necessary, however, the United States can put a vast army in the field. The militia of all the States (p. 165)—over 15,000,000 able-bodied men—is at the service of the National Government. Moreover, the President may call for *volunteer* soldiers and at such a call several hundred thousand good fighting men would be sure to step forward.

The President is the commander in chief of the army, but the actual management of military affairs falls into the hands of the Secretary of War. This officer is assisted in the performance of his duties by the *General Staff* and by the heads of the several bureaus of the War Department. The General Staff is a body of trained officers whose duty is to prepare plans for the conduct of military operations. Through the Chief of Staff the Secretary of War exercises a direct control over the troops. One great bureau of the department is that of the *Quartermaster Corps*, which attends to the clothing and to the transportation of the troops, gives them their pay, and supplies them with their rations. The office of the *Surgeon-General* cares for the sick and wounded and has charge

of the army hospitals. The *Judge-Advocate-General* is the head of the bureau of military justice. Officers and soldiers frequently get into trouble and are accused of wrongdoing and when this happens they are not tried by a jury as other citizens are, but by a military court known as a *court-martial.* The Judge-Advocate-General has a general supervision over courts-martial. The *Chief of Ordnance* has charge of the bureau that purchases or manufactures the guns, swords, cannon, and ammunition used by the army.

The War Department has charge of the fortifications by which the great cities along the sea coast are defended. It also has control of the great *Military Academy* at West Point where young men receive thorough training in the arts of war. The War Department has also established at Washington an Army War College for advanced students.

The Department of the Navy has charge of the forces that defend us on the seas. The President is commander in chief of the navy as he is commander in chief of the army, but the Secretary of the Navy is the real manager of naval affairs. The business of the Navy Department is distributed to several bureaus, all of which work toward the same end: the placing on the seas of well-built, well-equipped, and fully-manned fighting ships. The *Bureau of Construction and Repair* attends to the designing and building of the ships of the navy. The *Bureau of Yards and Docks* has charge of the yards where ships for the navy are built. The *Bureau of Navigation* takes care that the ships of the navy are supplied with properly trained officers and sailors. The *Naval Academy* at Annapolis—

the best equipped school of its kind in the world—is under the direction of this bureau. The *Bureau of Ordnance* provides the ships with the instruments of warfare.

For a long time the United States did not care to have a powerful navy, but about 1885 we began to improve our navy, adding to the number of fighting vessels and providing for the training of a large number of naval officers and seamen. This policy of increasing our naval forces has been followed so faithfully that we now have one of the most powerful navies in the world. Indeed, there is only one country in the world that can boast of a stronger navy than ours.

QUESTIONS AND EXERCISES

1. Who first filled the office of Secretary of State? Of Secretary of War? Of Secretary of the Navy?

2. Name four great generals of American history. Name three great naval heroes of American history.

3. What country has the strongest navy? What reason can you give in favor of supporting a strong navy? What reasons can you give against supporting a strong navy?

4. What does it cost to support the army and navy of the United States?

5. Name the countries of the world that have large standing armies. Are those countries in less danger than are those that have small standing armies?

6. If you see any good things connected with warfare name those things. Name the evils connected with warfare.

XXXIII. THE NATIONAL EXECUTIVE DEPARTMENTS (*Continued*)

The Department of Justice.—Just across the street from the State, War, and Navy Building is the central office of the Department of Justice, the law department of the National Government. The chief lawyer of this department is the Attorney-General of the United States, who renders the same kind of service for the National Government that the Attorney-General of the State (p. 141) renders for the State government and that the prosecuting attorney (p. 88) renders for the county. When there are offenses against the laws of the United States, such as the counterfeiting of money or the robbing of mails, it is the duty of the Department of Justice to prosecute the offenders in the national courts. When the National Government needs a lawyer to defend it in the courts, the Attorney-General or one of his assistants acts as that lawyer. When the President, or a member of the cabinet, needs the advice of a lawyer he calls upon the Attorney-General to give that advice. The Department of Justice also superintends the district attorneys, clerks, and marshals of the national courts. In the performance of his duties the Attorney-General is assisted by a solicitor-general and by many assistant attorneys.

The Department of the Treasury.—About a stone's throw east of the White House is the Treasury Building,

the great central workshop of the Treasury Department. Visitors to Washington are always eager to go through the Treasury Building, for in it they can see the vaults in which are deposited great sums of gold and silver coin, and can see old and worn out money destroyed and new, freshly printed money stamped, counted, and prepared for shipment to all parts of the country.

The operations of the Treasury Department are so vast

Treasury Building

that to give a full account of them would require a large volume. At the head of this department is the Secretary of the Treasury, who is assisted in his labors by three assistant secretaries and by the heads of numerous bureaus and divisions. Among the many services of the department the following deserve special notice:

(1) *The Collection of the National Taxes.*—It is the task of the Treasury Department to collect the great sum of money that is required to support the National Government. The national taxes are the customs duties on goods brought from foreign countries, excises (taxes) on certain articles of home manufacture, and an income tax. Duties are collected principally on sugar, tobacco, wool, woolen goods, cotton goods, silk goods, iron and steel goods. Both duties and excises (internal taxes) are collected on liquors, tobacco, cigars, cigarettes, oleomargarine, and playing cards. About half the revenue comes from customs duties and about half from excises.

For the collection of the customs tax the Treasury Department places officials, known as collectors of customs, at all points where foreign goods are brought into the country. There are altogether about 130 such places, known as *ports of entry*. The leading ports of entry—so far as the amount of customs collected is concerned—are New York, Philadelphia, Boston, San Francisco, Baltimore, New Orleans, Chicago, and Detroit. By far the most important port is New York, where more than half of all the customs are collected.

For the collection of the excises the Department has officers known as collectors of internal revenue. These officers visit the distilleries and breweries and cigar and tobacco manufactories and collect taxes on the articles before they are sold. They also collect the income tax.

(2) *The Safe Keeping of the National Revenue.*—The money collected as customs and excises is placed in the

keeping of the Treasurer of the United States, an officer of the Treasury Department. A large amount of the government's money is always found in the vaults of the Treasury Building at Washington, yet in nine other cities (New York, Boston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, New Orleans, and San Francisco) there are subtreasuries in which large sums of public money are stored. In the subtreasury of New York there is more money actually handled than is handled at all the other subtreasuries combined.

(3) *The Bookkeeping Service of the National Government.*—The great task of keeping the accounts of the National Government is performed by officers of the Treasury Department. Chief among these are the Register of the Treasury, Auditors of the Treasury, and the Comptroller of the Treasury. The Register of the Treasury signs all United States bonds, and prepares lists of persons who are the holders of registered bonds and who are entitled to receive interest on bonds. The Auditors of the Treasury, six in number, examine and settle all the claims and accounts of the various departments. The Comptroller prescribes the manner in which the public accounts shall be kept and when complaints are made he sits in judgment on the work of the Auditors and approves or disapproves of their decisions.

(4) *The Manufacture of Money.*—All the money in use is manufactured under the direction of the Treasury Department. The paper money is all printed in Washington at the great *Bureau of Engraving and Printing,* where

1000 skilled workmen and artists are constantly employed printing and counting the millions of notes that are necessary to supply the country with currency. For the manufacture of gold and silver and other metallic coins the department has mints located at Philadelphia, New Orleans, Denver, and San Francisco. Each mint has its own superintendent, but all the mints are under the general supervision of the Director of the Mint.

(5) *The Supervision of National Banks.*—The national banks of the country, more than 7000 in number, are supervised by an officer of the department known as the Comptroller of the Currency. No national bank can begin business until its plans have been submitted to the Comptroller and approved by him, and every bank must send to him at stated times reports showing the condition of its affairs.

(6) *Miscellaneous Services.*—The Treasury Department performs several services that are not closely connected with its proper work. It has charge of the *Public Health and Marine Hospital Service*, which furnishes medical aid and hospital service to certain classes of seamen and which does what it can to prevent the spread of contagious diseases from State to State. It has charge of the *Life Saving Service*, which keeps along our seacoast a force of men ready night and day to save the lives of people on board vessels in distress. It also employs a *Supervising Architect* who selects the location and prepares the plans for the public buildings of the National Government, its customhouses, its post offices, its hospitals.

The Post Office Department.—A walk of three minutes

from the Treasury Building, passing along the far-famed Pennsylvania Avenue, brings one to the Post Office Building. This is the central office of the Post Office Department, which collects, carries, and delivers letters and parcels and manages the affairs of the postal savings bank. More than 200,000 persons—postmasters, clerks, and letter carriers—are employed by the Post Office Department.

At the head of this department is the Postmaster-General, who is assisted in his duties by four assistant postmasters-general. The first assistant postmaster-general attends to postmasters' appointments,[1] salaries, and the delivery of mail in cities. The second assistant attends to the carrying of the mails, whether on railroads, steamships, or otherwise. The third assistant supervises the manufacture of stamps and attends to matters connected with money orders and registered mails. The fourth assistant has charge of the rural free delivery service and of dead letters.

QUESTIONS AND EXERCISES

1. Which of the executive departments of the National Government comes closest to the citizen in his daily life?
2. What services does the Post Office Department render besides the carrying of the mails? Explain the rates charged for different classes of mail, including the rates of the parcel post.
3. Explain what is meant by "Protection"; by "Free Trade."
4. Describe the several kinds of money in use.
5. Try to get a friend who understands the subject to come before your class and explain the workings of national banks.

[1] He does not, however, actually appoint postmasters; only the President or the Postmaster-General can make appointments.

XXXIV. THE NATIONAL EXECUTIVE DEPARTMENTS (*Continued*)

The Department of the Interior employs more persons in Washington than any other department except the Treasury Department. Its central offices are located in several great buildings which stand at convenient distances from one another.

The Secretary of the Interior has his office in a building known as the Patent Office. In the Patent Office also is the office of the *Commissioner of Patents* who has charge of the granting of patents (p. 164) to the thousands of inventors who every year come forward with something new.

Just across the street from the Patent Office is the fine building known as the Land Office. In this building are located two of the most important bureaus of the Interior Department, the *General Land Office* and the *Office of Indian Affairs*. The Land Office has charge of the public lands owned by the United States. These lands, if we include those owned in Alaska, have a combined area of nearly a million and a half square miles, an area equal to that of six such States as Texas. The National Government is all the time selling its public lands to private individuals at very low prices, and it is through the Land Office that these lands are bought and that the titles to them are secured. The *Indian Office* deals with the Indians of the United States. There are scattered over the

country about 270,000 red men living on about 160 Indian reservations which have a total area of more than 100,000 square miles. Most of these Indians live in tribes, and all Indian tribes are under the control and guardianship of the United States. The National Government as the guardian and protector of the Indians renders them many services: it protects them against injustice at the hands of the white man; it gives them certain food supplies;

Pension Office

it supports schools among them. It does these things through the agency of the Indian Office.

Two squares from the Patent Office is the massive Pension Office. Here under the direction of the *Commissioner of Pensions*, an officer of the Interior Department, upwards of 1000 persons are employed in examining the claims for pensions and in awarding pensions to those who have

fought in our wars. Through the services of this office pensions are distributed to nearly 1,000,000 old soldiers and old soldiers' widows. The number of pensioners, however, is growing smaller.

In the Department of the Interior there are also: a *Commissioner of Education*, who collects facts bearing upon the subject of education; a *Director of the Geological Survey*, who investigates the mineral resources and mineral products of the public lands; a *Director of the Reclamation Service*, who directs the great work of reclaiming arid lands by irrigation; and a *Director of the Bureau of Mines*, who investigates methods of providing for the safety of miners.

The Department of Agriculture, under the direction of the *Secretary of Agriculture*, collects and distributes among the people useful information on the subject of agriculture. For example: a certain farming community of one of the States was being overrun by mice; millions of the little pests had suddenly appeared and were doing the crops great harm. The Department of Agriculture soon had its men on the spot trying experiments as to the best method of getting rid of the mice. When the agents of the department had learned how the mice could be most easily destroyed they published an account of their work and this account was sent to the farmers of the mouse-ridden district. The department, you observe, did not undertake to kill the mice for the farmers, but it did undertake to furnish them with information as to how they might best rid their fields of the mice. This is an illustration of the hundreds of ways in which the depart-

ment of Agriculture helps farmers by sending out information.

A most important service of the department is that performed by the *Weather Bureau.* This bureau studies the winds and the clouds and makes forecasts of the weather. Observations of weather conditions are made in more than 3000 places located in all parts of the United States, and forecasts are made in several of the principal cities. The forecasts are sent hither and thither by mail, by telephone, and by telegraph, to different points, so that the people may be warned of coming changes in the weather.

The *Bureau of Animal Industry* is a most important bureau of the department. It investigates the diseases of cattle and horses and swine and gives information to farmers as to how these diseases may be prevented. It also inspects such animals, meats, and meat-food products as are intended for shipment from one State to another.

Other bureaus of the Department of Agriculture are: the *Bureau of Entomology,* which gathers and distributes information regarding insects which are harmful to crops and trees; the *Bureau of Biological Survey,* which makes a study of birds with the view of learning what birds are the farmer's friends and what birds are his enemies; the *Bureau of Plant Industry,* which studies plant life, and distributes seeds to farmers.

The Department of Commerce promotes the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, and transportation facilities. The prominent bureaus are: the *Bureau of the Census,* which

takes a census of all the people every ten years; the *Bureau of Corporations,* which gathers information about the great business concerns engaged in commerce between the States; the *Bureau of Fisheries,* which propagates useful food fishes, and lobsters, oysters, and other shellfish.

The Department of Labor promotes the welfare of wage earners, improves working conditions, and advances the opportunities for profitable employment. An important bureau is the *Bureau of Labor Statistics,* which reports on the conditions of labor, and on the products of labor and their distribution; another is the *Children's Bureau,* which investigates all matters pertaining to the welfare of children, giving special attention to such questions as infant mortality, juvenile courts, orphanage, and diseases of children.

Executive Work outside the Departments. — Some of the work of the National Government has not been brought under the supervision of any of the ten great departments. The *Interstate Commerce Commission* is outside the control of any department. This body is composed of seven members appointed by the President at a salary of $10,000 per year. The duty of the commission is to exercise a certain control over railroads carrying freight and passengers from one State to another. It requires that the railroads in their charges for carrying passengers and freight shall not charge one person more for a given service than is charged another person for the same service. The commission also, either of its own accord or upon complaint, may do away with a passenger or freight rate which it regards as unjust or unreasonable and may fix a new rate

which it regards as just and reasonable. This power of the commission over railroad rates makes it one of the most important agencies of the National Government.

Outside of any department also are: The *Civil Service Commission,* consisting of three members whose duties have been described (p. 180); the great *Government Printing Office,* where under the direction of the Public Printer nearly 5000 persons are constantly employed in printing and binding countless documents for the National Government; the *Smithsonian Institution,* which carries on scientific experiments and which has charge of the National Museum and the Zoölogical Gardens.

An Alcove in the Congressional Library

Last, but not least, the *Library of Congress* is outside the control of any department. This library at first was intended simply for the personal use of members of Congress, but it has become a national institution and its 2,000,000 volumes are at the service of the people of the United

States. The collection has been housed in a building of surpassing beauty, and scholars and readers from all parts of the country can be found in its alcoves availing themselves of its precious treasures.

QUESTIONS AND EXERCISES

1. Of the ten executive departments of the National Government which renders the most important service? Which stands second in the importance of the service it renders? Which stands third? Which fourth?

2. To what department or bureau would you take each of the following matters:

(*a*) A claim for a pension.
(*b*) A claim for a tract of public land.
(*c*) An application for a patent.
(*d*) An application for information concerning admission to the Naval Academy.
(*e*) A request for information regarding the best method of curing a disease in cattle.
(*f*) A complaint in respect to a freight rate.

XXXV. TERRITORIES AND DEPENDENCIES

Introduction.—The National Government has always had under its control large areas of territory that have been governed entirely according to the wishes of Congress. At the beginning of our national history the great Northwest Territory, out of which have been carved Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota, was governed by Congress. The great region known as Louisiana, which was purchased from France in 1803 and which gave to the Union a dozen States, was at first governed as a territory dependent upon Congress. In fact, of the thirty-five admitted States all but six—Vermont, Kentucky, Maine, Texas, California, and West Virginia—were governed by Congress as Territories before they came into the Union as States.

Hawaii.—Congress has provided for each of the Territories a government suitable to its needs. Hawaii has a Governor appointed by the President of the United States for a term of four years; a secretary also appointed by the President; an elective Legislature elected by the people, and resembling that of a State Legislature; a system of local government resembling that found in the States; and a number of territorial judges appointed by the President. It sends to the House of Representatives at Washington a delegate who has a right to speak but who

has not the right to vote. Although the Legislature of Hawaii is elected by the people, yet any bill passed by the Legislature may be vetoed by the Governor, who is not elected by the people; and to overrule his veto a two-thirds vote of each house of the Legislature is necessary. In respect to laws that have already been enacted Congress has complete power; it can at any time do away with any law that the Legislature has passed. In this way the National Government keeps a firm hand upon this Territory.

Alaska.—The vast region of Alaska came to us in 1867 by purchase from Russia. It is governed by Congress somewhat in the way that Hawaii is. It has a Governor, a secretary, and judges who are all appointed by the President. It has a Legislature, but the powers of this body are limited in certain respects by Congress. It has a delegate in the House of Representatives.

Our Island Possessions.—Through the war with Spain in 1898 the United States gained possession of Porto Rico and the Philippine Islands. The duty of governing these islands rests upon Congress. For Porto Rico Congress has provided a Governor, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, all to be appointed by the President and all to hold their office for a term of four years. This executive department, it will be noticed, resembles very closely the executive department of a State government. The Legislature of Porto Rico has two branches. The lower branch is elected by the people, but

the upper branch consists not of elected representatives, but of eleven appointed members, including the six executive officers below the Governor and five other persons also appointed by the President. The principal judges of the island are appointed by the President. Porto Rico has no delegate in Congress, but it sends to Washington a commissioner who by the grace of the House of Representatives is permitted to speak in that body. For all practical purposes, therefore, the commissioner in reality has as much power as a delegate from a Territory.

For the government of the Philippine Islands Congress has created an executive department consisting of a Governor-General, a secretary of the interior, a secretary of commerce and police, a secretary of finance and justice, and a secretary of public instruction, all to be appointed by the President and confirmed by the Senate. The Legislature of the islands is almost precisely like that provided for Porto Rico: the lower house is elected by the people and the upper house consists of the executive officers named above and four members appointed by the President. The Philippine Islands send two commissioners to Washington.

Although Porto Rico and the Philippine Islands belong to the United States, the people of those islands are not citizens of the United States and do not enjoy all the rights and privileges of American citizenship. It is the policy of the National Government, however, to treat these people fairly, and as a matter of fact they enjoy most of the civil rights that Americans enjoy.

The District of Columbia.—Under the Articles of Confederation Congress had no fixed home and at times it was treated badly in the places in which it held its sessions. It will be remembered that in Philadelphia Congress was once attacked by a crowd of drunken soldiers. The framers of the Constitution provided that the National Government should have a district (not exceeding ten miles square) for its permanent home and that in this district Congress should have complete control. In 1790 a tract of land on the Potomac River was chosen as the site for the new seat of government and was named the District of Columbia.

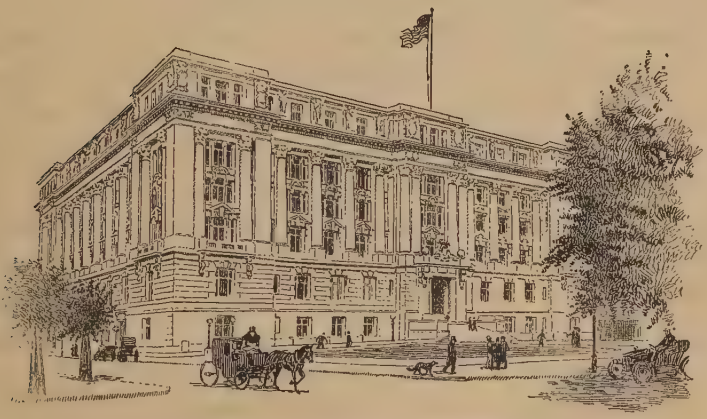
Congress has governed the District of Columbia now in one way, now in another. At present the District is governed by a Board of Commissioners appointed by the President. These Commissioners act as an executive body to do the will of Congress, which makes the laws of the District. Judges of the courts of the District are appointed by the President. Since the District of Columbia is practically the city of Washington the District government is a city government with the usual departments of service that must be rendered by a city (p. 113).

In the management of the affairs of their city the people of Washington have no responsibility whatever and no power whatever. The District of Columbia has no delegate in Congress, or commissioner, or representative of any kind. Of all the dependencies of the United States the District is the only one in which there is no provision whatever for the expression of the popular will. The in-

habitants, however, are of course citizens of the United States.

QUESTIONS AND EXERCISES

1. Prepare a table showing the population and area of each of the Territories and dependencies and give the total.
2. Of our Territories and dependencies name those that are likely to become States.
3. If you lived in the city of Washington do you think you would like the way it is governed?
4. Give an account of the government of Guam; of Samoa.
5. Write a composition on the city of Washington, describing its location, its streets, its buildings, and its attractions.



The Municipal Building, Washington, D.C.

XXXVI. THE NATIONAL COURTS

"The Supreme Court is the living voice of the Constitution, that is, of the will of the people expressed in the fundamental law they have enacted. It is the conscience of the people who have resolved to restrain themselves from hasty or unjust action by placing their representatives under the restriction of a permanent law."—*James Bryce.*

The Kind of Cases Tried in the National Courts.—The third article of the Constitution describes the powers and the nature of the judicial department of the National Government.

The courts of a State try those cases that arise under the laws and constitution of the State, while the courts of the National Government try those cases that arise under the Constitution of the United States, and the laws passed by Congress. A man charged with the crime of burglary would be tried in one of the courts of the State in which the crime was committed; for the laws against burglary are passed by the Legislatures of the States. A man charged with counterfeiting money would be tried in one of the national courts; for the laws against counterfeiting are passed by Congress. A person charged with breaking a street lamp would be tried in a State court, for his offense concerns a State; but a person charged with robbing a letter box attached to a lamp-post, would be tried in a court of the United States, for his offense concerns the National Government.

Again, the national courts may try those cases that arise

between citizens of different States, if either party to the case so desires. Also when a dispute arises between two States, it is settled, not in a State court, but in the national court. If such a case were left to the courts of one of the States to be decided, the other State, if the decision went against it, would in all probability be dissatisfied.

Still another class of cases tried in the national courts consists of those in which one of the parties is a foreigner. If a foreign country has a grievance against a citizen or against one of the States it may try its case in the courts of the United States, for the nation and not the State is responsible to foreign governments. Likewise, if a citizen or a State has a grievance against a citizen of another country, the suit may be brought in a national court. In the case of ambassadors and their families and attendants, when any trouble arises, the matter must be taken directly to the Supreme Court of the United States. Under this rule, if a servant of an ambassador should steal a pound of sugar or should be charged with disorderly conduct, his case would have to be tried before the highest court of the United States. This great respect is shown to foreign ministers in order to avoid giving offense to the governments which they represent.

The Three Grades of National Courts.—For the trial of such cases as have just been mentioned, the government of the United States supports a system of courts somewhat similar to those supported by a State. The judges of all these courts are appointed by the President and they all hold their office for life.

The lowest court of the system is the (1) *District Court*,[1] which is presided over by a District Judge. In every State there is at least one District Court. The larger and more populous States have two or more District Courts; altogether there are more than ninety District Judges in the United States. These lowest courts try all crimes committed against the United States, and they try such civil cases as may properly be tried in national courts. In the District Court are tried patent and copyright cases, counterfeit cases, cases arising under the postal laws, and other classes of cases arising under laws passed by Congress. When a case has been tried in the District Court and either of the parties to the case is not satisfied with the result, it may be taken, that is, appealed, either to the Supreme Court of the United States, or to the Circuit Court of Appeals, a court established in 1891 to do part of the heavy work of the Supreme Court. An appealed case is carried to the Supreme Court (*a*) when it involves a question of jurisdiction, that is, a question as to what court the case ought to be tried in; (*b*) when it involves the construction of the Constitution of the United States; (*c*) when it involves a question of the constitutionality of a law, that is, whether the law, State or national, agrees with the Constitution of the United States; (*d*) when it is a case of conviction for some great crime; (*e*) when it involves the construction of a treaty. In other cases than

[1] The pupil should be careful not to confuse the District Courts of the National system with those courts of the same name in the State system.

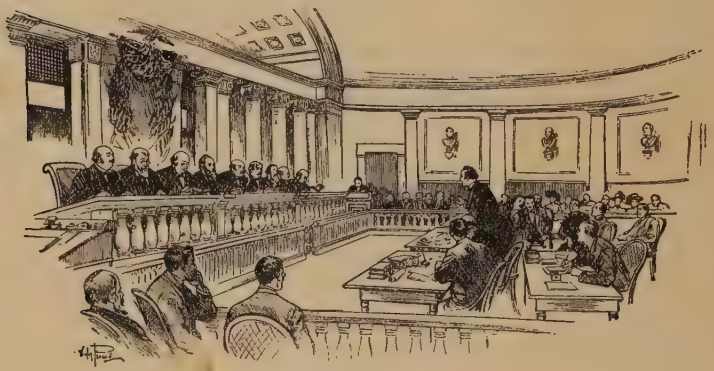
those mentioned, an appeal must be taken from the District Court to the Circuit Court of Appeals.[1]

For the trial of certain classes of cases upon appeal, Congress has established nine great judicial circuits and has provided for each circuit a court known as a (2) *Circuit Court of Appeals*. This court is composed of regular circuit judges and of judges of the other courts. Three judges are necessary for the trial of a case and one of the three may be a Justice of the Supreme Court who is assigned to the circuit. A judge, however, who has tried a case in the District Court cannot sit at the trial of the same case in the Circuit Court of Appeals. The Circuit Court of Appeals tries only those cases that are brought to it upon appeal from the District Court.

The highest court in the United States system is the (3) *Supreme Court*, which sits at Washington. It consists of a chief justice and eight associate justices. In cases affecting ambassadors and consuls, and those in which a State is a party, it has *original jurisdiction*. This means that these cases must be tried for the first time in the Supreme Court. The chief business of this great court, however, is to try the cases that are appealed to it from the lower courts. The Supreme Court is the most exalted and in some respects the most powerful body in the United States. It acts as the guardian of the Constitution. If Congress or the Legislature of a State passes a law that

[1] For each District Court the President appoints a District Attorney and a Marshal. The duties of a District Attorney resemble those of a prosecuting attorney (p. 88); of a Marshal, those of a sheriff.

conflicts with the Constitution of the United States, it declares that law null and void. If a State Court renders a decision that conflicts with the Constitution or with a law of the United States, the Supreme Court may overrule



Supreme Court in Session

the decision. It may pass judgment upon all questions of law or of fact that are appealed to it and that it chooses to consider.

Special National Courts.—In addition to the regular national courts just described there are two important special national courts. One of these is the *Court of Claims*, which holds its sessions at Washington and which tries cases involving claims founded upon contracts made with the government of the United States. The other special court is the *Court of Customs Appeal*, which hears appeals from the decisions of officers engaged in collecting the customs tax (p. 190).

QUESTIONS AND EXERCISES

1. Name three of the most important decisions that have been made by the Supreme Court in the history of our country.

2. Name two of the most celebrated men who have served as Chief Justice of the Supreme Court.

3. Study the third article of the Constitution for answers to the following questions:

(*a*) How long does a judge of a federal court hold office?

(*b*) Can Congress reduce the salaries of the present judges?

(*c*) In what court would a charge against a consul of a foreign country be brought?

(*d*) In what court would a man be tried for robbing a post office?

(*e*) In what court would a suit between a State and a citizen of a foreign country be tried?

4. Use the words "State" and "federal" properly in the following passage:

There are less than a hundred and fifty —— judges, and there are many thousands of —— judges. "A large majority of the cases at law are tried in —— courts. If only —— laws are involved in the case, the —— courts can have nothing to do with it. Ordinary crimes, such as assaults, theft, and murder, can be tried only in —— courts. In like manner nearly all cases arising in the administration of school laws, laws concerning paupers, highways, —— taxation, the laws for the government of cities and the holding of elections, are triable in the —— courts alone. It is only when some provision of the —— constitution, or some act of the United States Government is involved that a —— court can act."—*Macy.*

XXXVII. TAXATION: THE PROPERTY TAX

"Taxation without representation is injustice and oppression."
—*Burke.*

Introduction.—The expenses of government amount to a vast sum of money. The salaries of officers and employees have to be paid, large public buildings have to be erected, roads and streets have to be built and kept in repair, a costly system of public schools has to be supported, vast fleets and armies have to be maintained. The money necessary to pay for all this comes from the pockets of citizens in the form of taxes. In this lesson and in the next you are to learn how government exercises the power of taxation, how it compels citizens to contribute money for the support of government.

Taxation a Power of the Lawmaking Department.—Which of the three great departments of government has the power of taxation? This power belongs to the lawmaking department and to it alone. A Mayor, a Governor, a President, a Judge, cannot raise a single penny by taxation. Americans will pay only such taxes as they themselves in person have agreed to pay or such as their representatives in a legislature or lawmaking body have ordered to be paid. The City Council levies the city tax, the State Legislature levies the State tax, and Congress levies taxes for the support of the National Government.

Not only does the lawmaking branch have the power of raising money by taxation, but it also has the power of directing how that money shall be spent. The executive branch, it is true, actually spends the money raised by taxation, but it must spend this money precisely as the legislature directs. The legislature orders a certain sum of money to be collected from the people and placed in the public treasury and then it prescribes the manner in which that money is to be taken out and spent. Thus the power of the purse is given outright to the legislative department. In our study of the powers of government few facts have greater importance than this.

The Property Tax.—A very large part of the money raised by taxation is collected from property owners who are compelled to pay the tax because they *are* property owners. The rule followed in laying taxes on property is this: The more property a man owns the greater must be his share of the tax.

For purposes of taxation property is regarded as being of two kinds: (1) *real property*, which includes lands and buildings on land, and (2) *personal property*, which includes such things as household furniture, money, goods, bonds, stocks, mortgages, jewels, horses, carriages, and farming implements.

In most of the States there are certain kinds of property that are free from the burden of taxation. Thus, churches, cemeteries, schoolhouses, free libraries, charitable institutions, and all public buildings, are exempt from taxation. Likewise, in many States, household furniture

worth no more than two or three hundred dollars is not taxed.

How Each Taxpayer's Share is Determined.—A tax collector presents to your father a tax bill, calling for, let us say, $33.50. How was this bill made out? How was it determined that your father should pay to the support of the government just $33.50, no more, no less? Let us try to get an answer to this question.

Let us suppose that you live in a town, and that it is your town government that has sent the bill. The first step taken is to determine how much money is needed. It is found that the town needs

For its schools, police, streets, waterworks, and other expenses of Town Government	$40,000
For taxes due to the County Government	6,000
For taxes due to the State Government	4,000
Total amount of taxes to be raised	$50,000

This $50,000 must be paid by the property owners of the town. In order to distribute the burden fairly, one or more *Assessors* visit all the houses and places of business in the town, and place upon every man's property what they think is a fair valuation. Thus they find that A has a house worth $3000 and furniture worth $500, or property worth in all $3500. B is found to own a factory worth $75,000 and goods worth $25,000. He is, therefore, assessed at $100,000. C owns building lots worth $2000 and horses and carriages worth $500. C's property, therefore, is put down on the Assessors' list at $2500. D owns a little house which the Assessor thinks

is worth $400; his furniture is so scanty that no value is put upon it, and it escapes taxation. Your father's property, we will suppose, is placed on the Assessors' list at $1675. In this way the value of the property of every taxpayer in town is estimated by the Assessors and put upon the assessment list. By adding together the fortunes of A, B, C, D, etc., the entire value of all the property in the town is found. Let us suppose that this amounts to $2,500,000. You remember that the amount to be raised by taxation is $50,000. Now if property worth $2,500,000 must pay $50,000 in taxes, property worth one dollar must pay two cents in taxes. Every man in the town, therefore, must pay two cents in taxes for every dollar's worth of property he owns. This two cents, or 2%, or .02 is called the rate of taxation.

A will pay . . $ 3,500 × .02 . . $ 70.00 in taxes,
B will pay . . 100,000 × .02 . . 2000.00 in taxes.

You now see why your father's tax bill is $33.50.

The Collection of Taxes.—After the tax bills are made out, the *Tax Collector* collects the taxes from the owners of property and turns it over to the treasury of the town government. The Town Treasurer sends to the County Treasurer the share that belongs to the county, and to the State Treasurer the share that belongs to the State, and retains what is left for the expenses of the town government.

When a man refuses or neglects to pay his tax, the law will compel him to pay. The Tax Collector must collect the taxes, even if he is obliged to sell the property

to get them. When land is sold for taxes, the owner may regain the land by paying to the purchaser within a specified time the amount of the taxes with interest.

QUESTIONS AND EXERCISES

1. When a property owner thinks his property has been assessed too high, he may complain to the Assessors, and if these officers think his complaint is just, they will reduce the assessment. Suppose the owner thinks his property has been assessed too low; should he go to the Assessors and request them to make the assessment larger? If a man should send you a bill for three dollars when you know you owe him five dollars, would you call his attention to the mistake? Should we be as honest with the government as we are with our neighbors?

2. How is the money for the support of your school raised? Who is the largest taxpayer in your school district? Does he get more benefit from the government than any other man in the district?

3. Name some of the returns taxpayers get for the money they pay to the government.

4. Is wheat in a barn real property or personal property?

5. What is the tax rate in your town? In your county? In your State?

6. Name the kinds of property in your State that are exempt from taxation. (Examine your State constitution.)

XXXVIII. OTHER TAXES

"The taxes are indeed very heavy, and if those laid on by the government were the only ones we had to pay we might more easily discharge them; but we have many others. We are taxed twice as much by our idleness, three times as much by our pride, and four times as much by our folly."—*Benjamin Franklin.*

The Income Tax.—Besides the general property tax, there are several other kinds of taxes. The National Government and a few States levy an *income* tax. This tax is laid upon a man's salary, or upon his business profits, without reference to the amount of property he owns. A certain rate is determined upon by the government, and every man must pay according to his income. If the rate is 3%, and a man's salary or the profit of his business is $3000, then he must pay $90 as his income tax. In a *progressive* or *graduated* income tax the rate grows larger with the income. Thus the rate might be 3% for all incomes under $5000; 4% for all incomes between $5000 and $10,000; 5% for all incomes between $10,000 and $50,000; 8% for incomes between $50,000 and $100,000; 10% for all incomes over $100,000. Do you think a progressive income tax is just? If a man with an income of $2000 a year has to pay a tax of $60, which is fairer for a man with $20,000 a year income—to pay $600 or $1000?

The Inheritance Tax is laid on property which a person receives as an inheritance from parents or other relatives

or which is left to a person by a will. Where there is an inheritance tax children or relatives must pay the tax before they can take possession of the property left them by their parents or other kinsmen. The rate of the inheritance tax is often progressive or graduated, that is, the larger the inheritance the greater the rate of tax. The rate is often less for near relatives than for other people. Inheritance taxes are collected in three-fourths of the States.

Licenses; Fees.—A *license* is a privilege granted by a government permitting one to engage in a certain occupation or to perform a certain act. For granting a license the government usually charges a sum of money. The liquor license permits the holder to sell liquor; the merchant's license permits the sale of goods; the marriage license permits the marriage of the couple to whom it is granted. A *fee* is a small sum paid to an officer of the government for the performance of some public service. Thus if you wish to get a deed to land properly recorded, you will have to pay the recording officer a small fee.

Poll Tax.—This word *poll* means head; a poll tax, therefore, is a tax upon the *man* and not upon property. It is usually a small sum. A male citizen above the age of twenty-one must pay this tax, although he has no property at all. Not all the States have a poll tax, but usually where there is such a tax, it must be paid before the citizen is allowed to vote. The poll tax is not popular in the United States, and in some of the States it is forbidden entirely.

The Franchise Tax.—A *franchise* is a special privilege given by government to a person or to a body of persons. For example, the right to use the streets of a city for a railway is a franchise; the right to lay pipes for supplying a city with gas is a franchise. Such franchises as these are sometimes extremely valuable. For example, here is a street railway company whose cars and rails and wires and power houses are worth a million dollars but whose franchise—the right to use the streets—is worth two millions of dollars. In some States such a company would pay two taxes, a property tax on the power houses, cars, etc., and a franchise tax for the privilege of using the streets.

Duties and Excises.—The taxes thus far described, the property tax, the income tax, the inheritance tax, and the franchise tax, are usually collected for the support of town, city, county, and State governments. But the great government of the United States which has its seat at Washington must also be supported. And it takes an immense sum of money to support our National Government. The salaries of several hundred thousand officials and the pensions of about a million old soldiers and soldiers' widows must be paid; costly public buildings in Washington and custom houses and post offices in large cities must be built; expensive warships and fortifications must be maintained; an army and a navy must be supported. To do all this requires over $800,000,000 a year. In order to raise this amount Congress orders the collection of *duties*, *excises*, and a tax on incomes.

A *duty* is a tax or tariff laid upon goods that are imported into this country from foreign countries. This tax is paid to government officers by the merchant who imports the goods. But the merchant does not bear the burden of the tax. If he is compelled to pay a duty of 75 cents per yard upon silk which he imports from France, this 75 cents is added to the first cost. If, *without* a duty, he could sell his customers French silk for $1.50 per yard at a profit of 10%, *with* a duty of 75 cents, he sells them the silk for $2.32 per yard. It is, therefore, the customers who pay this duty, or tax.

Excises are taxes paid by manufacturers upon goods made in this country. Thus the taxes upon liquors, tobacco, and cigars are excises. An excise tax, like a duty, is paid by one person, but the burden is usually shifted to another. If a tobacco manufacturer is compelled to pay a tax of 50 cents upon every box of cigars he makes, he counts this as a part of the cost, and charges his customers accordingly. A "special excise tax" is levied on the earnings of corporations.

Duties and excises are called indirect taxes, because the real burden of these taxes does not fall directly upon the people who pay them, but indirectly upon some one else. Excises and duties are laid upon such articles as beer, tobacco, sugar, tea, coffee, woolen goods, cotton goods, leather, iron, tin, etc. From this we see that everybody who wears clothes and consumes food, that is, the whole population, contributes something to the support of the National Government.

The *national income tax* is a progressive tax. It is 1% per annum on the amount of net income over $3000 for individuals and over $4000 for husband and wife living together. An additional tax of 1% is levied on incomes over $20,000; an additional tax of 2% on incomes over $50,000; and so on, the rate increasing as the income grows higher.

Eminent Domain.—Closely related to the government's right of taxation, is its right of "eminent domain." By this is meant its right to take private property for public uses. If the government wishes to use your house for a post office, or if it desires to run a street through your garden, or a road through your field, you have not the power to prevent it. Yet the government must pay you a fair price for your property, and it must not compel you to part with it unless it can be shown that it is for the public good that you should do so.

QUESTIONS AND EXERCISES

1. Do all citizens have to pay taxes? Think well before you answer this question.
2. What kind of taxes are paid without those who pay them seeming to know it? What kind of taxes do they pay most cheerfully?
3. Has taxation ever been a cause of war?
4. How are churches supported?
5. How are duties collected?
6. Is a poll tax a just tax? Is there a poll tax in your State?
7. What is meant by "smuggling"?
8. Is an income tax that exempts all incomes under $1000 just?
9. For what do people pay taxes most cheerfully?
10. How may a city acquire land for a park?

XXXIX. PARTY GOVERNMENT: ORGANIZATION OF POLITICAL PARTIES

"A political party is a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed. Party divisions, whether on the whole operating for good or evil, are things inseparable from free government."—*Edmund Burke.*

Introduction.—In the lesson about the election of a President it was said that no one can hope to be chosen to that high office unless he is first nominated by some great political party. What is true of the highest officer in the land is also true for the most part of the lower officers: if a man wishes to be elected to any important office whatever he must secure his election through a party. Moreover, if a citizen or a large number of citizens wish certain laws to be passed, or desire the government to do certain things, they must work with a party and accomplish their aims through the aid of a party. So the political party is the real force that keeps the wheels of government in motion. Since our government is thus a party government it is almost as important to understand the nature and workings of political parties as it is to understand the nature and workings of government itself.

The Organization of Political Parties.—The chief aim of a political party is to secure control of the government, and the chief work of the party is to win, or to try to win,

elections. In order to carry an election the party is thoroughly organized. A great political party is a mighty organization consisting of a vast army of workers each of whom has a particular task to perform. The main features of the machinery of a party are (1) the permanent organization; (2) the primary meeting, and (3) the nominating conventions.

(1) *The Permanent Organization.*—The permanent organization of a party consists of a series of regularly chosen committees. At the bottom of the series is the local committee which is found in almost every township, village, and city ward. Above the local committee is the county or city committee. Next in the scale is the State committee, while at the top of the series is the great National committee consisting of one member from each State and Territory. Each committee attends to the affairs of the party within the boundaries of a particular civil or political division, the township committee working within the township, the ward committee within the ward, the county committee within the county, and so on.

These permanent committees support the life of the party from one election to the next. They bear the burden and heat of the day in party service. They issue calls for primary meetings and the nominating conventions. "They organize political clubs; they arrange for political mass meetings and processions; they raise funds for conducting campaigns; they urge voters to be registered and then urge them to come to the polls; in many other ways they promote and defend the interests of the party,

through good and ill report, after defeat as well as after success."

(2) *The Primary or Caucus.*—The Primary, or Caucus, is a regular meeting of the voters. The meeting is usually called together by a permanent committee. The work of the primary consists in electing members of the local permanent committee, in choosing candidates for office, and in attending to other party affairs. Sometimes the primary is a real folkmoot; the voters assemble in a room or in a hall and engage personally in the management of party affairs, discussing questions as well as voting upon questions. Often, however, the primary is simply a party election at which men and measures are voted upon in almost the same manner as they are at a regular election (p. 50). In many States primary elections are regulated by law and must be conducted without any fraud or violence.

It is at the primary that the voter is brought close to his party. Here his voice and his vote are direct. What voters do at the primary is felt throughout the entire party organization. If voters, therefore, desire to keep control of their party and make it do their will they must first attend the primary and make *it* do their will.

(3) *Nominating Conventions.*—You learned that a candidate for President is nominated by a great convention which is the highest of a series of conventions. Candidates for offices lower than the presidency are also frequently nominated by conventions. Candidates for the lowest local offices are generally nominated directly at the primary, but in many of the States nominations for the

higher places are made by conventions composed of party representatives or delegates. Thus if a party wishes to nominate a candidate for a county office, as, for example, a candidate for sheriff, the voters at primary meetings throughout the county choose delegates to a county convention and this nominates the candidate for sheriff. When a candidate for a State office, as, for example, a candidate for Governor, is to be nominated, a series of conventions may be necessary: The primaries send delegates to a county (or city) convention; the county and city conventions throughout the State send delegates to a State convention; and this nominates the candidate for Governor. Observe that in all cases where candidates are nominated by conventions the voters have no direct voice in the choice of candidates.

Nomination of Candidates by a Direct Primary Vote. —For a long time parties in all the States followed the custom of nominating candidates by the convention plan as described above. But in many States the plan did not work well. It was found that the nominating convention fell into the hands of men who cared more for their own interests than they did for the welfare of the public, and unworthy candidates were nominated. So in many of the States candidates are no longer nominated by convention but by a direct primary vote. In these States when a party wishes to nominate a candidate for sheriff, for example, the voters of the party vote for the candidate of their choice at primary elections held throughout the county, and the candidate who wins at the primaries be-

comes the regular party candidate. If a candidate for Governor is to be chosen the voters of the party throughout the State express their choice of candidates at primaries, and the candidate successful at the primaries is regarded as the regular party candidate for Governor. Observe that where the convention plan is done away with and the direct primary plan is adopted the voters have a direct voice in the choice of party candidates.[1] In some States the voters are given opportunity to express their preference in respect to presidential candidates, and thus to direct the action of delegates in the national party convention.

QUESTIONS AND EXERCISES

1. About how many party workers are there on all the permanent committees of each of the great parties in your State? About how many in the United States? (When estimating the number of workers in your State it would be well to consult with some one engaged in practical politics. For the number in the United States make a calculation based on population.)

2. Name four political parties. Name some of the leaders of each of these parties.

3. Are nominations in this State made by a direct primary vote or by conventions?

4. Which would you favor, nominations by convention or nominations by a direct primary vote?

5. Name the leading politicians of your State.

6. Which party in your State was victorious at the last election for Governor? How many votes did this party receive? How many votes were cast at that election for each of the other political parties?

[1] For a full account of direct nominations see "Primary Elections," by C. Edward Merriam.

XL. PARTY GOVERNMENT: THE CITIZEN AND HIS PARTY

"If a party supporter finds that his party is becoming committed to a policy which he believes will work serious injury to the State, fidelity to his party as well as to the State will require him to seek to change the course of his party. If this can best be done by voting against his party, faithfulness to true party interest may lead him to so act. If the party nominates a candidate whose election the voter believes will be a source of weakness or injury to the State, then his duty to his party as well as duty to the State should impel him to seek to defeat such candidate."—*Jesse Macy.*

The Choice of a Party.—Since our government is controlled by political parties, it is through the party that the citizen reaches his government and exerts his influence upon it. Every young man, therefore, upon coming of age is called upon to vote with one of the political parties. Of course he will wish to vote for the best party. How shall he decide which is the best? He will look over the field carefully and will choose the party that he thinks will serve his country the best. He will not in an idle fashion merely drift into a party. Nor will he vote for a certain party simply because his father or his set votes for it, or because he hopes to secure an office at its hands. The young citizen should not enter a party blindfolded. He should make a careful study of the history and principles of all the great political parties and learn what each has already done for the country, and what each proposes

to do, and then make his choice. The principles of a party may be found stated in its platform. A careful study of the platforms of the several parties would be a great assistance to a young man trying to select the best party.

True Leaders and False Leaders.—After the young citizen has chosen his party he will then be called upon to make a choice of party leaders, for a party must have leaders. These party leaders are the real political representatives of the voter. Into their hands the citizen surrenders the power of his vote. If the party is defeated, that is the end of the matter for the time being; but if it is victorious the leaders will wield the power of government. So one of the very first things the citizen has to do is to make a wise choice of party leaders.

We have always before us two kinds of leaders beckoning for our votes, true leaders and false leaders. The true leader wishes us to give him power in order that he may use it to advance the interests of the public. A leader of this kind is a statesman, for he works for the interest of the State, that is, for the interest of all the people. The statesman regards his office as a sacred trust, and he would scorn to use it for selfish purposes.

Statesmen are the life and strength of a nation. It was the statesmen of the past that gave us the great and glorious country we have. If I should ask you who they were, the names of men like Washington and Jefferson and Webster and Lincoln would leap from your lips. You can name the statesmen of the past, but can you name the true statesmen of to-day? You must be able to do

this if you wish to vote right. If you wish to keep your country great and glorious you must be able to select true leaders.

And you must also be able to detect false leaders when they come before you asking for your vote. The false leader is the demagogue. He comes before the people with flattery on his tongue. A statesman will scold the people if they need scolding, but the demagogue, in order to get their votes, praises them to the skies. In olden times the courtier gained power by flattering the king. In a democracy the demagogue tries to gain power by flattering the people. He appeals to the prejudices and passions and not to reason. The statesman appeals to the judgment of voters and tries to enlighten their minds with knowledge, but the demagogue throws dust into their eyes and blinds them. The demagogue is as rich in promises as he is in praise. He professes to be able to do wonderful things for the people. What do the people desire? Do they want plenty of money and nothing to do? Elect him to office and he will give them riches and leisure. Do the people want the rivers to flow with milk and honey? Choose him as their leader and he will bring this to pass.

The purpose of the demagogue is plain enough. He flatters and deceives and lies in order to advance his private interests. For the public welfare he may not care a rap. He is bent on winning fame or fortune or power for himself and in order to get these he would lead the people anywhere, even to destruction.

Study the ways of the demagogue so that you may be

able to look behind his mask and expose him. But do not think that this is easy to do. The demagogue is rich in his resources, his disguises are numerous, and he will sometimes deceive the best of us. But we must learn to know him and must keep him down, for he is perhaps the greatest enemy with which democracy has to deal.

Loyalty to Party.—Although the citizen may have chosen his party with the greatest care he may one day find that he no longer feels at home in his party. Its principles may be changed or his views may be changed. The party may stand for things he does not believe in or it may ask him to vote for unworthy candidates. Indeed it may seem to him that the party is going against the best interests of the country. Now if a man's party is going wrong and there is another party that seems to be going right, what should the man do? The question answers itself: he should leave his party. This is sometimes not easy to do. A man who has voted for and worked with a political party for some years becomes attached to it and finds it difficult to vote for another party. Besides, if he leaves his party he is pretty sure to offend his party associates, who call him traitor or turncoat or mugwump, or some other harsh name.

Nevertheless there are times when it is the duty of a good citizen to vote against his party. When a man believes the principles of his party are no longer good for his country, or when he is asked by his party to vote for dishonest or dangerous or grossly incompetent men, it is his plain duty to leave his party. When he is asked to de-

cide between the interests of his party and the interests of his country, he will of course decide for his country. In times of war a man's love for his country is tested by his willingness to fight for it and die for it, but in times of peace his patriotism is tested by his willingness to vote *right*, whatever may be his interests or prejudices, or party ties.

QUESTIONS AND EXERCISES

1. Compare the last Democratic national platform with the last Republican national platform, and point out the chief differences in the principles of the two parties.

2. What is the difference between a "boss" and a "leader"?

3. Point out a few of the benefits an honest politician can confer upon the people.

4. Is it always desirable that a man vote the same ticket at all elections, local, State, and National?

5. Recite the duties of the voter as they are stated on page 59.

6. When you shall become qualified do you intend to vote? What personal advantage will you reap from voting? What loss will it be to your fellow men if when you shall come of age, you do not vote?

CONSTITUTION OF THE UNITED STATES—1787[1]

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. 1 The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2 No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3 Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.[2] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence plantations one, Connecticut five, New York six, New Jersey four,

[1] This reprint of the Constitution exactly follows the text of that in the Department of State at Washington, save in the spelling of a few words.

[2] Partly superseded by the 14th Amendment. (See p. 246.)

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1 The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years; and each senator shall have one vote.[1]

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.[1]

3 No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5 The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7 Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1 The times, places, and manner of holding elections for

[1] Partly superseded by Seventeenth Amendment.

senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2 The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1 Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2 Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3 Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4 Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. 1 The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7. 1 All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall

return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. 1 The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2 To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish post offices and post roads;

8 To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13 To provide and maintain a navy;

14 To make rules for the government and regulation of the land and naval forces;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States,[1] and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18 To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1 The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2 The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or *ex post facto* law shall be passed.

4 No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

[1] The District of Columbia, which comes under these regulations, had not then been erected.

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8 No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10. 1 No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3 No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows

2 Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[1] The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the

[1] The following paragraph was in force only from 1788 to 1803.

United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.[1]

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4 No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7 Before he enter on the execution of his office, he shall take the following oath or affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and

[1] Superseded by the 12th Amendment. (See p. 245.)

will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1 The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION 2. 1 The judicial power shall extend to all cases, in law and

equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and citizens of another State;[1] — between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. 1 Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2 The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2. 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

[1] See the 11th Amendment, p. 245.

3 No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the

land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3 The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.[1]

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go: Washington —
Presidt. and Deputy from Virginia

New Hampshire
John Langdon
Nicholas Gilman

Massachusetts
Nathaniel Gorham
Rufus King

Connecticut
Wm. Saml. Johnson
Roger Sherman

New York
Alexander Hamilton

New Jersey
Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania
B. Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. Fitzsimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware
Geo: Read
Gunning Bedford Jun
John Dickinson
Richard Bassett
Jaco: Broom

[1] After the Constitution had been adopted by the Convention it was ratified by conventions held in each of the states.

Maryland

James McHenry
Dan of St. Thos Jenifer
Danl. Carroll

Virginia

John Blair —
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson.

South Carolina

J. Rutledge,
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler.

Georgia

William Few
Abr Baldwin

Attest WILLIAM JACKSON Secretary.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I[1]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by

[1] The first ten Amendments were adopted in 1791.

oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI[1]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII[2]

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; — The president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

[1] Adopted in 1798.

[2] Adopted in 1804.

ARTICLE XIII[1]

SECTION 1. 1 Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2 Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV[2]

1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2 Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3 No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

4 The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

[1] Adopted in 1865. [2] Adopted in 1868.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV[1]

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI[2]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII[3]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of elections to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[1] Adopted in 1870. [2] Adopted in 1913. [3] Adopted in 1913.

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SUPPLEMENT: GOVERNMENT IN KENTUCKY

THE GOVERNMENT OF THE SCHOOL

School Officers.—In Kentucky every county in the State comprises one school district, excepting that when there is a city or town which maintains a separate system of public schools, then the portion of the county lying outside of such city or town constitutes a school district. The county is divided for purposes of education into four or six or eight educational divisions, each of which is divided into subdistricts. In each subdistrict a trustee is elected. Women able to read and write and having the same qualifications as men may vote for school officers and may hold any school office except that of State Superintendent. The trustees of the several subdistricts in each division form a division board, which elects a chairman. The chairmen of the several division boards, together with the county superintendent, form the county board of education, which has general control of the schools of the county. The authority of the county board of education, however, does not extend to cities having a population of three thousand or more. Nor does it extend to certain graded school districts. Cities and

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graded school districts have their own board of education, and are independent of the county system.

The Powers and Duties of School Officers.—The trustee of the subdistrict supervises the schools in his district and reports their needs to his division board. He may nominate teachers, but may not employ them. Teachers are employed by the division board. Among the powers of the county board of education are the following: it estimates the sum necessary to pay the salaries of teachers and to meet other expenses, and reports this estimate to the fiscal court (p. 7, of this Supplement) to be added to the tax levy; under certain conditions, it consolidates districts; it creates county high schools, which may be attended by pupils from rural schools; it may create new school subdistricts.

The Teacher.—Before a teacher can enter upon his duties he must hold a certificate of qualification. There are three grades of certificates issued to teachers of common schools: a State teacher's diploma, issued by the State Board of Examiners; a State teacher's certificate, issued by the same board; and a county certificate, issued by a county board of examiners. The teacher is authorized and directed to hold each pupil to a strict accountability for any disorderly conduct on the playground or during any intermission or recess or on the road to or from school.

The Pupil.—The schools of a district are free to all persons between the ages of six and twenty years. Children between the ages of seven and twelve are required to attend some public or private school at least eight weeks in the year. This does not apply,

however, where a child is taught at home in such branches as are taught in the public school, or to the children whose mental or physical condition renders attendance impracticable, or to children whose parents by reason of poverty are not able to clothe their children properly. In cities of the first, second, third, and fourth classes, truant officers assist in enforcing the laws relating to school attendance.

CIVIL RIGHTS

Most of the civil rights enjoyed by the citizens of Kentucky are stated in the bill of rights of the State constitution (secs. 1–26), and are such as are mentioned in the lessons on Civil Rights in the first part of this book (pp. 37–45).

Who are Voters.—In Kentucky every male citizen of the United States of the age of twenty-one years or over who has resided in the State one year, in the county six months, and in the precinct in which he offers to vote sixty days, next preceding an election, is entitled to vote. Idiots, prisoners, insane persons, and soldiers or sailors stationed in Kentucky are not permitted to vote. Persons convicted of treason, felony, bribery, or certain other misdemeanors are not permitted to vote unless pardoned by the governor.

Registration.—Annual registration of voters is required in all cities except those of the fifth class. The election officers serve as officers of registration, who meet on the first Tuesday in October each year and issue certificates of registration to all qualified voters.

As a rule, where registration is required no voter is permitted to cast his vote unless his name has previously been placed upon the registration list.

ELECTIONS

At the Polls.—Elections are held every year throughout the State on the first Tuesday after the first Monday in November. All general elections are supervised by a State Board of Election Commissioners, which appoints in each county two persons to serve with the sheriff as a county board of election commissioners. The county board appoints four election officers to hold elections in each election district in the county. Elections are conducted on the plan of the "Australian System." Ballots are provided at public expense. The voter receives a ballot from the hand of an election officer, retires to a voting booth, and prepares his ballot by making a cross mark (×) in the square immediately following the name of the candidate of his choice. He then delivers the ballot to one of the election officers, who deposits it in the ballot box. If a man desiring to vote is unable to read or write, or is blind or disabled, he may be assisted by the election officers in preparing his ballot.

Bribery and Intimidation.—Any person guilty of receiving a bribe for his vote at any election may be fined from fifty to five hundred dollars and be deprived of the right of voting and of the right of holding office. Any person who attempts to intimidate a voter so as to prevent him from casting his ballot may upon con-

viction be confined to the penitentiary for a period of not less than one year and not more than five.

THE POWERS OF GOVERNMENT

Majority Rule.—In Kentucky the principles of popular government and majority rule are fully recognized. The constitution of the State is ordained and established in the name of the people, and in the constitution it is expressly declared that all power is inherent in the people. When there are but two candidates for an office, the election is decided by a majority of the votes. When there are more than two candidates for the same office, the election is by a plurality; that is, the candidate receiving the highest number of votes is declared elected. Words giving authority or power to three or more officers or persons are construed as giving such authority or power to a *majority* of such officers or persons.

Representation.—Public affairs are conducted in accordance with the principles of representative democracy. Officers are elected for short terms, and in the apportionment of representatives the rule of " so many people, so many representatives " is followed.

Checks and Balances.—In Kentucky the system of separating, balancing, and regulating power is quite complete. The constitution divides the powers of the State government into three distinct departments and declares that no person or collection of persons being of one of these departments shall exercise any power properly belonging to either of the others except as

expressly directed or permitted by the terms of the constitution itself. The constitution divides the legislative department—the General Assembly—into two branches, and no law can be made without the approval of both branches. It also gives the executive a check upon the legislature by allowing the former to veto a bill passed by the latter.

THE COUNTY

Kentucky is one of the States in which the township does not appear as a unit of local government. The services performed by the township in many States are performed by the county in Kentucky.

The Formation of New Counties.—In Kentucky there are 120 counties. New counties may be formed, but a new county must contain not less than 400 square miles of territory. A county already formed must not be reduced in area to less than 400 square miles. No new county may be established which shall reduce the population of another county to less than 12,000, nor may any county be created containing less than 12,000 inhabitants.

County Officers.—The principal county officers are: a county judge, a county clerk, a circuit clerk, a county attorney, a sheriff,[1] a jailer, a coroner, a surveyor, an assessor, a superintendent of schools. These are all elected for a term of four years, except the circuit clerk, who is elected for a term of six years.

The duties of the county attorney, the sheriff, the

[1] The sheriff, in addition to his other duties, collects the State and county taxes.

coroner, and the assessor are described in the lesson on the County in the first part of this book.

The *county judge* in Kentucky has both judicial and administrative duties. He holds the county court and tries such cases as usually come before a probate court (p. 90); he has jurisdiction over wills and estates, and appoints guardians and administrators; he grants licenses to peddlers, ferrymen, and liquor dealers; he sends paupers to the county infirmary, and (when the circuit court is not in session) he sends insane persons to the insane asylum; he holds a juvenile court, and, when necessary, punishes parents who neglect their children; he enforces the law requiring attendance at school; he holds a session of the quarterly court once every three months, or oftener, trying minor criminal cases, and civil cases where the sum involved does not exceed $200 in value.

The county judge also, acting with the justices of the peace,[1] presides over the board known as the *fiscal court* of the county. By the terms of the constitution three commissioners may be substituted for the justices of the peace on the board. The fiscal court performs most of the duties performed by the board of county commissioners or supervisors described in the first part of the book (p. 87). It fixes the rate of taxation and levies such taxes as may be necessary to meet the

[1] The justices of the peace are elected by districts, each county having from three to eight justices, who are generally called "magistrates." In the justice's court are tried many classes of criminal cases and civil cases in which the value in controversy does not exceed $100. If a case is not settled in a justice's court, it is carried to one of the higher courts (p. 144). In each district in which a justice of the peace is elected one constable is also elected.

expenses of the county; it fixes the salaries of county officers within the limits prescribed by law; it appropriates money for claims, buildings, repairs, and supplies; it makes contracts for roads and bridges; it cares for the poor and needy, and has a general control over the finances of the county. In the more populous counties the fiscal court appoints a superintendent of roads, a keeper of the infirmary, an auditor, a treasurer, and such other officers as may be necessary to carry on the affairs of the county.

The *county clerk* keeps a journal of the proceedings of the county court and fiscal court, makes and preserves all public records, papers, and books that belong to the county; records wills, deeds, and mortgages; issues marriage licenses and certificates of election; and administers oaths to jurors and witnesses.

The *circuit clerk* keeps a journal of the proceedings of the circuit court and makes and preserves the records, papers, and books relating to the business of this court. He also administers oaths to jurors and to witnesses giving testimony in the circuit court.

The *county surveyor* lays off new roads, surveys old ones, and executes orders of the courts for the survey of lands whose areas and boundaries are in question.

The *jailer* is custodian of the prisoners confined in the county jail, and is also the superintendent of the courthouse and other county buildings.

The *superintendent of schools*[1] visits and inspects schools; condemns schoolhouses not fit for use; ap-

[1] Cities with a population of over 3,000 usually employ their own superintendent.

points county examiners, and, acting with them, grants certificates to teachers, holds county institutes, and makes reports to the State Superintendent.

MUNICIPAL GOVERNMENT

Towns.—In Kentucky municipalities with a population of less than 1,000 are organized as towns. A community consisting of 125 or more persons, residing within an area not exceeding one fourth of a mile in each direction necessary to form a square, may, upon petition of two thirds of its inhabitants, be incorporated as a town. The officers of the town are five trustees, a police judge, a marshal, and an assessor. These are elected by the voters of the town. The trustees hold their office for two years. They appoint town officers and supervise town affairs. The police judge and the marshal hold their office for four years. The police judge has powers similar to those of a justice of the peace. The marshal has powers resembling those of a sheriff.

City Government.—Cities in Kentucky are divided into five classes [1] as follows:

(1) Those with 100,000 inhabitants or more (Louisville).

(2) Those with 20,000 to 100,000 (Lexington, Covington, Newport, and Paducah).

(3) Those with 8,000 to 20,000.

(4) Those with 3,000 to 8,000.

(5) Those with 1,000 to 3,000.

[1] Towns are regarded as cities of the sixth class.

Cities are governed under general laws passed by the legislature, but a law affecting cities must apply equally to all cities within a class.

In each city of the *third, fourth,*[1] and *fifth* classes there are elected a council, a police judge, and a mayor. The mayor presides at the meetings of the council, but has no vote except in case of a tie. He is the executive officer of the city. The council is the legislative body of the city. Its duties are such as are described on page 111. The police judge tries cases concerning offenses against the city ordinances and cases involving minor offenses against State laws. The mayor and the police judge are elected for four years; members of the council for two years.

Cities of the Second Class[1] are organized under the commission form of government (p. 113). In such cities a mayor is elected for a term of four years, and four commissioners for a term of two years. The salary of the mayor is $3,600 and of each commissioner $3,000. The mayor presides at the meetings of the commissioners, but he has no veto power. The business of the city is distributed to five departments:

(1) The Department of Public Affairs;
(2) The Department of Public Finance;
(3) The Department of Public Safety;
(4) The Department of Public Works;
(5) The Department of Public Property.

The mayor is the commissioner of the department of

[1] Cities of the third and fourth classes are also permitted to adopt the commission plan of government.

public affairs, and he has a general advisory supervision over the affairs of all the other departments. The superintendence of the other departments is determined by a majority vote of the board of commissioners, one commissioner being chosen to superintend each of the several departments. The mayor and the commissioners act together in governing the city, exercising both legislative and executive powers.

Louisville is the only city of the *first class*. The legislative body of this city, a general council, consists of two branches, a board of twelve aldermen, elected by the city at large, and the board of council, consisting of twenty-four members, two councilmen being elected for each ward. Aldermen and councilmen are elected for a term of two years. The mayor is elected for a term of four years. His salary is $5,000. Among the executive officers and boards of the city are the city comptroller, the city buyer, the city treasurer, the city auditor, the city assessor, the board of equalization of taxes, the city attorney, the city tax receiver, the hospital commissioner, the park commissioners, the board of public safety, the board of public works. Besides these there are many subordinate officials and boards. Some of these are elected by the voters, some are appointed by the mayor, a few are nominated by the mayor and elected by the general council, and a few are chosen by the general council alone.

THE STATE CONSTITUTION

The Several Constitutions of Kentucky.—Kentucky has had several constitutions. The first was

adopted in 1792, the year in which Kentucky entered the Union. In 1799 a second constitution was adopted. This remained in force until 1850, when a third constitution was adopted. The fourth constitution, the one now in force, was framed and adopted by a convention in 1891.

How the Constitution is Changed.—The constitution may be changed in one of two ways: (1) the proposed amendment may be agreed to by three fifths of all the members of each branch of the General Assembly, and then submitted to the people at a general election, and be accepted by a majority of all the votes cast; (2) the proposed amendment may be placed in the constitution by a convention of delegates elected for the purpose after the question has been before two sessions of the General Assembly and a third session has provided for the convention.[1]

THE STATE LEGISLATURE

The General Assembly.—The legislature of Kentucky is called the General Assembly, and consists of a House of Representatives of 100 members and a Senate of 38 members. Representatives are elected for a term of two years; Senators for four years. Each member receives $10 per day during the session, which is limited to 60 legislative days, although special sessions may be called by the governor. Each member also receives a mileage of 15 cents per mile in one round trip from his home to the capital.

[1] For the method of revising the entire constitution see sections 258–263 of the constitution.

Organization of the General Assembly.—The General Assembly meets regularly in the state house at Frankfort on the Tuesday after the first Monday in January in even-numbered years. A majority of all the members elected to each house is a *quorum*, that is, a number sufficient for the transaction of business. Each house determines its own rules of procedure and judges the qualifications of its members.[1] By a two-thirds vote each house may expel one of its members, but a member may not be expelled twice for the same cause. The constitution carefully prescribes the steps necessary for the passage of laws (secs. 46, 56, 88).

What the Legislature may Do.—The powers of the General Assembly are such as are described in the second lesson on the State Legislature in the first part of this book. The constitution of Kentucky, however, places upon the General Assembly many restrictions and limitations (sec. 59).

THE GOVERNOR AND HIS COLLEAGUES

The Governor.—The chief executive power of the State is given to the Governor, who is elected for the term of four years. The Governor must be at least thirty years of age and must have been a citizen and a resident of Kentucky for at least six years next preceding his election.

The duties of the Governor are for the most part such as are described in the lesson on the Governor in the first part of this book. His first and highest duty

[1] The qualifications and privileges of members are stated in the constitution (secs. 32, 43, 44, 45).

is, of course, to see that the laws are faithfully executed. He states at every session, by message to the General Assembly, the condition of public affairs in the State, and recommends such measures as he thinks will be for the public welfare. On extraordinary occasions he may issue a proclamation calling the General Assembly to convene in extra session to consider such subjects as he may deem important. The Governor is the commander in chief of the military forces of the State, but he does not command the troops personally in the field. He has power to grant reprieves, commutations, and pardons for all offenses except in the case of impeachment. If the Governor should die, resign, or be impeached, or for some other reason be unable to fulfill the duties of his office, the Lieutenant Governor would step in and act as Governor. If both the Governor and the Lieutenant Governor should be unable to serve, the president of the Senate would act as Governor.

Other Executive Officers.—Besides the Governor, the following State executive officers are elected by the people: the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney-General, the Superintendent of Public Instruction, the Commissioner of Agriculture, three Railroad Commissioners. All these hold office for four years. The Commissioner of Agriculture promotes the interest of farmers. The Railroad Commissioners exercise a general supervision over the railroads of the State and see that the laws relating to all the railroads (excepting street railways) are faithfully

executed. The duties of the other executive officers mentioned above are indicated in the lesson on the Governor in the first part of this book.

The salaries of the elective officers of the State are as follows: Governor, $6,500 and mansion; Lieutenant Governor, $15 per day during the session of the General Assembly; Secretary of State, $3,000; Auditor of Public Accounts, $3,600; State Treasurer, $3,600; Attorney-General, $4,000; Superintendent of Public Instruction, $4,000; Commissioner of Agriculture, $2,500; chairman of the Railroad Commission, $3,600; the other members of the Railroad Commission, $3,000.

The needs of the State have led to the creation of many additional offices; and most of the additional officers, boards, and commissions are appointed by the Governor. The most important follow:

(1) The **Adjutant General** is the chief of the Governor's military staff. He assists the Governor in the management of the affairs of the State militia. Salary, $2,000.

(2) The **State Librarian** (elected by the General Assembly) has charge of the State library at the capital. Salary, $1,800.

(3) The **Inspector of Mines** inspects and examines into the condition of mines, with the view of protecting the life and health of miners. Salary, $1,800.

(4) The **Banking Commissioner** examines into the affairs of State banks and receives reports from them. Salary, $3,600.

(5) The **Commissioner of Public Roads** advises with the county road engineers as to the construction, improvement, and maintenance of roads and bridges. Salary, $3,000.

(6) The **State Geologist** makes scientific reports respecting the soils, minerals, water power, and other natural resources of the State. Salary, $2,500.

(7) The **State Inspector and Examiner** inspects and examines into the management of asylums, prisons, and charitable institutions of the State. Salary, $3,000.

(8) The **Superintendent of Public Printing** (appointed by the

board of State executive officers) superintends the printing done under the authority of the State. Salary, $1,500.

(9) The **Board of Agriculture**, consisting of nine members, promotes the agricultural interests of the State. Pay, $5 per day while in session.

(10) The **Board of Equalization**, consisting of nine members, aims to secure a just and equal assessment of taxes. Pay, $5 per day while in session.

(11) The **Prison Commission**, consisting of three members, has control of the penitentiary and the houses of reform. Salary, $3,000 each.

(12) The **Board of Control for Charitable Institutions**, consisting of four members, supervises the affairs of the three asylums of the insane and the home for the feeble-minded children.[1] Salary, $1,500 each.

(13) The **Board of Health**, consisting of eight physicians, has the general supervision of public health and grants licenses to physicians. Paid for necessary expenses while on duty.

(14) The **Library Commission**, consisting of five members, assists in establishing free public libraries. No salary.

(15) The **Board of Election Commissioners**, consisting of three members, receives and canvasses election returns and issues certificates to successful candidates. Pay, $5 per day while on duty.

(16) The **Board of Dental Examiners**, consisting of five members, examines persons seeking to practice dentistry. Expenses paid by fees.

(17) The **Insurance Board**, consisting of the Insurance Commissioner and two other members, all appointed by the Auditor, regulates the rates of fire insurance companies. Salary of Insurance Commissioner, $3,600; of the other two members, $3,000.

(18) The **Game and Fish Commission**, consisting of four members, protects game and fish and fosters their increase. Only traveling expenses paid.

[1] Insane persons are received at the Eastern State Hospital at Lexington, the Central State Hospital at Lakeland, and the Western State Hospital at Hopkinsville. The Kentucky Institution for Feeble-minded Children is located at Frankfort. Other State institutions are the Kentucky School for the Deaf at Danville, the Kentucky Institution for the Blind at Louisville, the House of Reform at Greendale, and the State Reformatory at Frankfort. The State Penitentiary is located at Eddyville.

(19) The **Live Stock Sanitary Board**, consisting of five members, aims to prevent disease among live stock. No salary.

(20) The **State Workmen's Compensation Board** pensions injured workmen and their dependents, taxing their employers for this purpose.

COURTS

Circuit Courts.—The more important cases, civil and criminal, are tried in the Circuit Courts.[1] The State is divided into thirty-six judicial districts.[2] In the sixteenth district, Kenton County, there are two circuit judges; in the thirtieth district, Jefferson County, there are seven circuit judges; in each of the other districts there is one judge. A few districts comprise only one county each; in these the court is in continuous session. Each of the other districts comprises several counties and has not less than three sessions a year. The term of the circuit judge is six years.

The Court of Appeals.—Above the Circuit Court is the Court of Appeals, which consists of seven justices elected by districts for eight years. This court meets at Frankfort. It reviews the decisions of all the other courts, except a few civil cases involving a value of less than $200 and a few others.

TAXATION

The General Assembly provides by law for raising revenue sufficient to meet the expenses of the State

[1] For justices of the peace, see page 7 of this Supplement; for the quarterly court and the county court, see page 7.

[2] In each judicial district there is a commonwealth's attorney, who defends in the courts the interests of the State.

(about $7,000,000), and levying the taxes at a uniform rate upon all property, whether owned by individuals or corporations. (For property exempt from taxation see section 170 of the constitution.) Every act of the General Assembly and every ordinance or resolution of a city or county levying a tax must specify distinctly the purpose for which the tax is levied, and a tax levied for one purpose must not be devoted to another purpose. Cities, counties, and towns may levy taxes to meet local expenses, but the taxing power of cities, towns, and counties, and other taxing districts is definitely limited by the constitution (sec. 157). In addition to the general property tax the General Assembly may provide for the payment of licenses and fees on franchises and upon various trades and professions. Cities and towns also may provide for the payment of licenses or fees by merchants, barbers, lawyers, teamsters, etc.

CONSTITUTION OF THE COMMONWEALTH OF KENTUCKY.

PREAMBLE.

WE, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political, and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, we declare that :—

SECTION 1. All men are by nature free and equal, and have certain inherent and inalienable rights, among which may be reckoned—

1. The right of enjoying and defending their lives and liberties.

2. The right of worshiping Almighty God according to the dictates of their consciences.

3. The right of seeking and pursuing their safety and happiness.

4. The right of freely communicating their thoughts and opinions.

5. The right of acquiring and protecting property.

6. The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address, or remonstrance.

7. The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

SEC. 2. Absolute and arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 3. All men, when they form a social compact, are equal ; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services ; but no property shall be exempt from taxation except as provided in this Constitution ; and every grant of a franchise, privilege, or exemption, shall remain subject to revocation, alteration, or amendment.

SEC. 4. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace,

safety, happiness, and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may deem proper.

SEC. 5. No preference shall ever be given by law to any religious sect, society, or denomination; nor to any particular creed, mode of worship, or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges, or capacities of no person shall be taken away, or in any wise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma, or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 6. All elections shall be free and equal.

SEC. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write, and print on any subject, being responsible for the abuse of that liberty.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 10. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

SEC. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land

or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

SEC. 14. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

SEC. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 19. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be enacted.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 21. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

SEC. 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.

SEC. 24. Emigration from the State shall not be prohibited.

SEC. 25. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime whereof the party shall have been duly convicted.

SEC. 26. To guard against transgression of the high powers which we have delegated, we declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever

remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

Distribution of the Powers of Government.

Sec. 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy: to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Sec. 28. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

Legislative Department.

Sec. 29. The legislative power shall be vested in a House of Representatives and a Senate, which together shall be styled the "General Assembly of the Commonwealth of Kentucky."

Sec. 30. Members of the House of Representatives and senators elected at the August election in one thousand eight hundred and ninety-one, and senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of representatives and senators shall begin upon the first day of January of the year succeeding their election.

Sec. 31. At the general election in the year one thousand eight hundred and ninety-three one senator shall be elected in each senatorial district, and one representative in each representative district. The senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the representatives shall hold their offices for two years. Every two years thereafter there shall be elected for four years one senator in each senatorial district in which the term of his predecessor in office will then expire, and in every representative district one representative for two years.

Sec. 32. No person shall be a representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town, or city for which he may be chosen. No person shall be a senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

Sec. 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight senatorial districts, and one hundred representative districts, as nearly equal in popula-

tion as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the senatorial and representative districts for ten years. Not more than two counties shall be joined together to form a representative district : *provided*, in doing so, the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

SEC. 34. The House of Representatives shall choose its speaker and other officers, and the Senate shall have power to choose its officers, biennially.

SEC. 35. The number of representatives shall be one hundred, and the number of senators thirty-eight.

SEC. 36. The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection, or pestilence, when it may, by proclamation of the governor, assemble, for the time being, elsewhere.

SEC. 37. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

SEC. 38. Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

SEC. 39. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly or either House thereof, or a committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

SEC. 40. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

SEC. 41. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 42. The members of the General Assembly shall severally receive from the State treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: *provided* the same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day.

SEC. 43. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 44. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

SEC. 45. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town, or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 46. No bill shall be considered for final passage, unless the same has been reported by a committee, and printed for the use of the members. Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and en-

tered in the journal: *provided* any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

SEC. 47. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: *provided* no new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

SEC. 48. The General Assembly shall have no power to enact laws to diminish the resources of the sinking fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart, and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

SEC. 49. The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: *provided* the General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 50. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *provided* the General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

SEC. 51. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revised, amended, extended, or conferred shall be reënacted and published at length.

SEC. 52. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

SEC. 53. The General Assembly shall provide by law for monthly investigations into the accounts of the treasurer and auditor of public accounts, and the result of these investigations shall be reported to the governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the governor shall, at the beginning of each session, be transmitted

by him to the General Assembly for scrutiny and appropriate action.

SEC. 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

SEC. 55. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

SEC. 56. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same, to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the clerk of the latter House shall immediately present the same to the governor for his signature and approval.

SEC. 57. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

SEC. 58. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed, but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

SEC. 59. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes; namely,—

1. To regulate the jurisdiction, or the practice, or the circuits of courts of justice, or the rights, powers, duties, or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

2. To regulate the summoning, impaneling, or compensation of grand or petit jurors.

3. To provide for changes of venue in civil or criminal causes.

4. To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties, or forfeitures.

5. To regulate the limitation of civil or criminal causes.

6. To affect the estate of *cestuis que trust*, decedents, infants, or other persons under disabilities, or to authorize any such persons to sell, lease, encumber, or dispose of their property.

7. To declare any person of age, or to relieve an infant or *feme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

8. To change the law of descent, distribution, or succession.

9. To authorize the adoption or legitimation of children.

10. To grant divorces.

11. To change the name of persons.

12. To give effect to invalid deeds, wills, or other instruments.

13. To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county, or municipality thereof.

14. To refund money legally paid into the State treasury.

15. To authorize or to regulate the levy, the assessment, or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

16. To authorize the opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

17. To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads, or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates or to regulate tolls; to regulate fencing or the running at large of stock.

18. To create, increase, or decrease fees, percentages, or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

19. To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

20. To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts, or districts, except when new counties may be created.

21. To regulate the rate of interest.

22. To authorize the creation, extension, enforcement, impairment, or release of liens.

23. To provide for the protection of game and fish.

24. To regulate labor, trade, mining, or manufacturing.

25. To provide for the management of common schools.

26. To locate or change a county seat.

27. To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate, or prohibit therein the sale of vinous, spirituous, or malt liquors, or alter the liquor laws.

28. Restoring to citizenship persons convicted of infamous crimes.
29. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 60. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district, or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan, or gift of vinous, spirituous, or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns, or other municipalities, of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

SEC. 61. The General Assembly shall by general law provide a means whereby the sense of the people of any county, city, town, district, or precinct may be taken, as to whether or not spirituous, vinous, or malt liquors shall be sold, bartered, or loaned therein, or the sale thereof regulated; but nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

SEC. 62. The style of the laws of this Commonwealth shall be as follows: "*Be it enacted by the General Assembly of the Commonwealth of Kentucky.*"

COUNTIES AND COUNTY SEATS.

SEC. 63. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

SEC. 64. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

SEC. 65. There shall be no territory stricken from any county un-

less a majority of the voters living in such territory shall petition for such division ; but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

Impeachments.

Sec. 66. The House of Representatives shall have the sole power of impeachment.

Sec. 67. All impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 68. The governor and all civil officers shall be liable to impeachment for any misdemeanors in office ; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this Commonwealth ; but the party convicted shall, nevertheless, be subject and liable to indictment, trial, and punishment by law.

The Executive Department.

Officers for the State at Large.

Sec. 69. The supreme executive power of the Commonwealth shall be vested in a chief magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

Sec. 70. He shall be elected for the term of four years by the qualified voters of the State. The person having the highest number of votes shall be governor ; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

Sec. 71. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

Sec. 72. He shall be at least thirty years of age, and have been a citizen and a resident of Kentucky for at least six years next preceding his election.

Sec. 73. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

Sec. 74. He shall at stated times receive for his services a compensation to be fixed by law.

Sec. 75. He shall be commander-in-chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States ; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

Sec. 76. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which

shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 77. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment; and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the clerk, sheriff, or Commonwealth's attorney in penal or criminal cases.

SEC. 78. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 79. He shall from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 80. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly, it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

SEC. 81. He shall take care that the laws be faithfully executed.

SEC. 82. A lieutenant-governor shall be chosen at every regular election for governor, in the same manner, to continue in office for the same time, and possess the same qualifications, as the governor. He shall be ineligible to the office of lieutenant-governor for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 83. He shall, by virtue of his office, be president of the Senate, have a right, when in committee of the whole, to debate and vote on all subjects, and, when the Senate is equally divided, to give the casting vote.

SEC. 84. Should the governor be impeached, and removed from office, die, refuse to qualify, resign, be absent from the State, or be from any cause unable to discharge the duties of his office, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor until another be duly elected and qualified, or the governor shall return or be able to discharge the duties of his office. On the trial of the governor, the lieutenant-governor shall not act as president of the Senate or take part in the proceedings, but the chief justice of the Court of Appeals shall preside during the trial.

SEC. 85. A president *pro tempore* of the Senate shall be elected by each Senate as soon after its organization as possible, the lieutenant-

governor vacating his seat as president of the Senate until such election shall be made; and as often as there is a vacancy in the office of president *pro tempore*, another president *pro tempore* of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, and removed from office, refuse to qualify, resign, die, or be absent from the State, the president *pro tempore* of the Senate shall in like manner administer the government: *provided*, whenever a vacancy shall occur in the office of governor before the first two years of the term shall have expired, a new election for governor shall take place to fill such vacancy.

SEC. 86. The lieutenant-governor, or president *pro tempore* of the Senate, while he acts as president of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed for the speaker of the House of Representatives; and during the time he administers the government as governor, he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 87. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the State during the recess of the General Assembly, if there be no president *pro tempore* of the Senate, it shall be the duty of the secretary of state for the time being to convene the Senate for the purpose of choosing a president; and until a president is chosen, the secretary of state shall administer the government. If there be no secretary of state to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the attorney-general for the time being shall convene the Senate for the purpose of choosing a president, and shall administer the government until a president is chosen.

SEC. 88. Every bill which shall have passed the two Houses shall be presented to the governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and, if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the secretary of state. The governor shall have power to disapprove any part or parts of appropriation bills embracing distinct

items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

SEC. 89. Every order, resolution, or vote in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 90. Contested elections for governor and lieutenant-governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 91. A treasurer, auditor of public accounts, register of the land office, commissioner of agriculture, labor, and statistics, secretary of state, attorney-general, and superintendent of public instruction, shall be elected by the qualified voters of the State at the same time the governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law ; and the secretary of state shall keep a fair register of and attest all the official acts of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

SEC. 92. The attorney-general shall have been a practicing lawyer eight years before his election.

SEC. 93. The treasurer, auditor of public accounts, secretary of state, commissioner of agriculture, labor, and statistics, attorney-general, superintendent of public instruction, and register of the land office shall be ineligible to reëlection for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

SEC. 94. The General Assembly may provide for the abolishment of the office of the register of the land office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

SEC. 95. The election under this Constitution for governor, lieutenant-governor, treasurer, auditor of public accounts, register of the land office, attorney-general, secretary of state, superintendent of public instruction, and commissioner of agriculture, labor, and statis-

tics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

SEC. 96. All the officers mentioned in section ninety-five shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES.

SEC. 97. At the general election in eighteen hundred and ninety-two there shall be elected in each circuit court district a Commonwealth's attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a circuit court clerk, and for a Commonwealth's attorney in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

SEC. 98. The compensation of the Commonwealth's attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State treasury, and not until so collected and paid.

SEC. 99. There shall be elected in eighteen hundred and ninety-four in each county a judge of the county court, a county court clerk, a county attorney, sheriff, jailer, coroner, surveyor, and assessor, and in each justice's district one justice of the peace and one constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of sheriffs under this Constitution shall be held in eighteen hundred and ninety-two, and the sheriffs then elected shall hold their offices two years, and until the election and qualification of their successors. The sheriffs now in office for their first term shall be eligible to reëlection in eighteen hundred and ninety-two, and those elected in eighteen hundred and ninety-two for the first term shall be eligible to reëlection in eighteen hundred and ninety-four, but thereafter no sheriff shall

be eligible to reëlection or to act as deputy for the succeeding term.

SEC. 100. No person shall be eligible to the offices mentioned in sections ninety-seven and ninety-nine who is not at the time of his election twenty-four years of age (except clerks of county and circuit courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of county attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of clerk unless he shall have procured from a judge of the Court of Appeals, or a judge of a circuit court, a certificate that he has been examined by the clerk of his court under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 101. Constables shall possess the same qualifications as sheriffs, and their jurisdiction shall be coextensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

SEC. 102. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 103. The judges of county courts, clerks, sheriffs, surveyors, coroners, jailers, constables, and such other officers as the General Assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

SEC. 104. The General Assembly may abolish the office of assessor, and provide that the assessment of property shall be made by other officers; but it shall have power to reëstablish the office of assessor and prescribe his duties. No person shall be eligible to the office of assessor two consecutive terms.

SEC. 105. The General Assembly may at any time consolidate the offices of jailer and sheriff in any county or counties, as it shall deem most expedient; but, in the event such consolidation be made, the office of sheriff shall be retained, and the sheriff shall be required to perform the duties of jailer.

SEC. 106. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the clerks of the respective courts thereof (except the clerk of the city court), the marshals, the sheriffs, and the jailers shall be paid out of the State treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers respectively, and paid into the treasury.

SEC. 107. The General Assembly may provide for the election or

appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may from time to time be necessary.

SEC. 108. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the county attorneys.

THE JUDICIAL DEPARTMENT.

SEC. 109. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a court of impeachment, and one Supreme Court (to be styled the Court of Appeals), and the courts established by this Constitution.

COURT OF APPEALS.

SEC. 110. The Court of Appeals shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

SEC. 111. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection, or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

SEC. 112. The judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the governor shall remove them, or any one or more of them, on the address of two-thirds of each House of the General Assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

SEC. 113. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven judges. They shall severally, by virtue of their office, be conservators of the peace throughout the State, and shall be commissioned by the governor.

SEC. 114. No person shall be eligible to election as a judge of the Court of Appeals who is not a citizen of Kentucky, and has not resided in this State five years, and in the district in which he is elected two years, next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a circuit court or court of

similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 115. The present judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present judges, his successor shall be elected. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven judges be provided for, the General Assembly may at any time increase the number to seven.

SEC. 116. The judges of the Court of Appeals shall be elected by districts. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, divide the State, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of judges requires it, redistrict the State in like manner. Upon the creation of new or additional districts, the General Assembly shall designate the year in which the first election for a judge of the Court of Appeals shall be held in each district, so that not more than the number of judges provided for shall be elected, and that no judge may be deprived of his office until the expiration of the term for which he was elected.

SEC. 117. A majority of the judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the governor, on that fact being certified to him by the chief justice, shall appoint to try the particular cause a sufficient number of judges to constitute a full court. The judges so appointed shall possess the qualifications prescribed for judges of the Court of Appeals, and receive the same compensation, proportioned to the length of service.

SEC. 118. The judge longest in commission as judge of the Court of Appeals shall be chief justice, and if the term of service of two or more judges be the same, they shall determine by lot which of their number shall be chief justice. The court shall prescribe by rule that petitions for rehearing shall be considered by a judge who did not deliver the opinion in the case; and the court, if composed of seven judges, shall divide itself into sections for the transaction of business, if, in the judgment of the court, such arrangement is necessary.

SEC. 119. The Superior Court shall continue until the terms of the present judges of said court expire; and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals, and be determined by it.

SEC. 120. The present clerk of the Court of Appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the

qualified voters of the State a clerk of the Court of Appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three, and thereafter, the clerk of the Court of Appeals shall be elected at the same time as the governor, for the term of four years; and the said clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The clerk shall be ineligible for the succeeding term.

SEC. 121. No person shall be eligible to the office of clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a judge of the Court of Appeals that he has been examined by him, or by the clerk of his court under his supervision, and that he is qualified for the office.

SEC. 122. Should a vacancy occur in the office of the clerk of the Court of Appeals, or should the clerk be under charges, the Court of Appeals shall have power to appoint a clerk until the vacancy be filled as provided in this Constitution, or until the clerk be acquitted.

SEC. 123. The style of process shall be "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.

SEC. 124. The clerks of the Court of Appeals, circuit and county courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The court shall be judge of the facts as well as the law. Two-thirds of the members present must concur in the sentence.

CIRCUIT COURTS.

SEC. 125. A circuit court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

SEC. 126. The jurisdiction of said court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

SEC. 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

SEC. 128. At its first session after the adoption of this Constitution, the General Assembly, having due regard to territory, business, and population, shall divide the State into a sufficient number of judicial districts to carry into effect the provisions of this Constitution concerning circuit courts. In making such apportionment, no county shall be divided; and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire State.

SEC. 129. The General Assembly shall, at the same time the judi-

cial districts are laid off, direct elections to be held in each district to elect a judge therein. The first election of judges of the circuit courts under this Constitution shall take place at the annual election in the year eighteen hundred and ninety-two, and the judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election for judges of the circuit courts, who shall hold their offices for six years from the first Monday in January succeeding their election. They shall be commissioned by the governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the judges of the Court of Appeals. The removal of a judge from his district shall vacate his office.

SEC. 130. No person shall be eligible as judge of the circuit court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.

SEC. 131. There shall be at least three regular terms of circuit court held in each county every year.

SEC. 132. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the State according to the last enumeration.

SEC. 133. The judges of the circuit court shall at stated times receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State, so far as the same shall be paid out of the State treasury.

SEC. 134. The judicial districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

SEC. 135. No courts save those provided for in this Constitution shall be established.

SEC. 136. The Genera. Assembly shall provide by law for holding circuit courts, when from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

SEC. 137. Each county having a population of one hundred and fifty thousand, or over, shall constitute a district, which shall be entitled to four judges. Additional judges for said district may from time to time be authorized by the General Assembly, but not to exceed one judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: *provided* no general term shall have power to review any order, decision, or proceeding of any branch of the court in said district made in separate term. There shall be one clerk for

such district, who shall be known as the clerk of the circuit court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said court; and all other litigation in said district, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term or as may be prescribed by law.

SEC. 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district; and when its population reaches seventy-five thousand, the General Assembly may provide that it shall have an additional judge, and such district may have a judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall by proper laws direct in what manner the court shall be held and the business therein conducted.

QUARTERLY COURTS.

SEC. 139. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the "quarterly court," the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by law in the quarterly courts of this Commonwealth. The judges of the county court shall be the judges of the quarterly courts.

COUNTY COURTS.

SEC. 140. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the "county court," to consist of a judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the governor, and shall vacate his office by removal from the county in which he may have been elected.

SEC. 141. The jurisdiction of the county court shall be uniform throughout the State, and shall be regulated by general law, and, until changed, shall be the same as now vested in the county courts of this State by law.

JUSTICES' COURTS.

SEC. 142. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one justice of the peace shall be elected as provided in section ninety-nine. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of

justices of the peace shall be coextensive with the county, and shall be equal and uniform throughout the State. Justices of the peace shall be conservators of the peace. They shall be commissioned by the governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

Police Courts.

Sec. 143. A police court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as justices of the peace have. The said courts may be authorized to act as examining courts, but shall have no civil jurisdiction : *provided*, the General Assembly may confer civil jurisdiction on police courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of justices of the peace.

Fiscal Courts.

Sec. 144. Counties shall have a fiscal court, which may consist of the judge of the county court and the justices of the peace, in which court the judge of the county court shall preside, if present ; or a county may have three commissioners, to be elected from the county at large, who, together with the judge of the county court, shall constitute the fiscal court. A majority of the members of said court shall constitute a court for the transaction of business ; but where, for county governmental purposes, a city is by law separated from the remainder of the county, such commissioners may be elected from the part of the county outside of such city.

Suffrage and Elections.

Sec. 145. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct, and not elsewhere ; but the following persons are excepted, and shall not have the right to vote :—

1. Persons convicted, in any court of competent jurisdiction, of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage ; but persons hereby excluded may be restored to their civil rights by Executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons.

SEC. 146. No person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

SEC. 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more, and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be *viva voce*, and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

SEC. 148. Not more than one election each year shall be held in this State or in any city, town, district, or county thereof, except as otherwise provided in this Constitution. All elections of State, county, city, town, or district officers shall be held on the first Tuesday after the first Monday in November; but no officer of any city, town, or county, or of any subdivision thereof, except members of municipal legislative boards, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State officers, including members of the General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of six o'clock A.M. and seven o'clock P.M., but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

SEC. 149. Voters, in all cases except treason, felony, breach or surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

SEC. 150. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected, who shall be convicted of having given, or consented to the giving, offer, or promise of, any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise, or give, or shall authorize, directly or indirectly, any person to offer, promise, or give, any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized

to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised, or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges, and immunities thereunder; and if chartered by another State, and doing business in this State, whether by license or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State: and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law; but such disability may be removed by pardon of the governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SEC. 151. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice; and he shall be held responsible for acts done by others with his authority, or ratified by him.

SEC. 152. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: if the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term; if the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term; if three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district, or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the governor: all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

SEC. 153. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

SEC. 154. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous, vinous, or malt liquors on election days.

SEC. 155. The provisions of sections one hundred and forty-five to one hundred and fifty-four, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

SEC. 156. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers, and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and, in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

SEC. 157. The tax rate of cities, towns, counties, taxing districts, and other municipalities, for other than school purposes, shall not at any time exceed the following rates upon the value of the taxable property therein: viz., for all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all

towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

SEC. 158. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following-named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness: viz., cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing districts, and other municipalities, two per centum: *provided* any city, town, county, taxing district, or other municipality may contract an indebtedness in excess of such limitations, when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution; *and provided, further,* if, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district, or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district, or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been reduced below the limit herein fixed; and thereafter it shall not exceed the limit, unless in case of emergency the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district, or other municipality.

SEC. 159. Whenever any county, city, town, taxing district, or other municipality is authorized to contract an indebtedness, it shall be required at the same time to provide for the collection of an annual tax

sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

SEC. 160. The mayor or chief executive, police judges, members of legislative boards or councils of towns and cities, shall be elected by the qualified voters thereof: *provided* the mayor or chief executive and police judges of the towns of the fourth, fifth, and sixth classes may be appointed or elected as provided by law. The terms of office of mayors or chief executives and police judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second, or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No mayor or chief executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an auditor or assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled.

SEC. 161. The compensation of any city, county, town, or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

SEC. 162. No county, city, town, or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

SEC. 163. No street railway, gas, water, steam-heating, telephone, or electric-light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts, or other apparatus along, over, under, or across the streets, alleys, or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

SEC. 164. No county, city, town, taxing district, or other munici-

pality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

SEC. 165. No person shall at the same time be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employee thereof; and no person shall at the same time fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a notary public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

SEC. 166. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution; and all city and police courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

SEC. 167. All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city, until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: *provided* that the terms of office of police judges who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of police judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

SEC. 168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

Revenue and Taxation.

Sec. 169. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

Sec. 170. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used, and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country, appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Sec. 171. The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

Sec. 172. All property not exempted from taxation by this Constitution shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

Sec. 173. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city, or town, or member or officer of the General Assembly, of any interest, profit, or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district, or county purposes, shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 174. All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses, or franchises.

SEC. 175. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

SEC. 176. The Commonwealth shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 177. The credit of the Commonwealth shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State, nor shall the Commonwealth become an owner or stockholder in, nor make donation to, any company, association, or corporation; nor shall the Commonwealth construct a railroad or other highway. (See p. 284.)

SEC. 178. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 179. The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: *provided*, if any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

SEC. 180. The General Assembly may authorize the counties, cities, or towns to levy a poll-tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied; and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 181. The General Assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation but may by general laws confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations, and professions, or a special or excise tax,

and may by general laws delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations, and professions. (For amendment of 1902, see page 284.)

SEC. 182. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed, and how taxes thereon shall be collected; and until otherwise provided, the present law on said subject shall remain in force.

EDUCATION.

SEC. 183. The General Assembly shall by appropriate legislation provide for an efficient system of common schools throughout the State.

SEC. 184. The bond of the Commonwealth, issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars, shall constitute one bond of the Commonwealth in favor of the Board of Education; and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: *provided* the tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

SEC. 185. The General Assembly shall make provision by law for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the sinking-fund commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and reinvestment from time to time, in like manner and with the same restrictions as provided with reference to the sale of the said stock in the Bank of Kentucky.

SEC. 186. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; and if the *pro rata* share of any school district be not called for after the second school year, it shall be covered into the treasury, and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of

six per centum per annum, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

SEC. 187. In distributing the school fund, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

SEC. 188. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in section one hundred and eighty-four; but the General Assembly may authorize the use, by the Commonwealth, of the moneys so received, or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of section one hundred and eighty-four, concerning the bond therein referred to.

SEC. 189. No portion of any fund or tax now existing, or that may hereafter be raised or levied, for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian, or denominational school.

CORPORATIONS.

SEC. 190. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this Constitution.

SEC. 191. All existing charters or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

SEC. 192. No corporation shall engage in business other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

SEC. 193. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created; and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered; and all fictitious increase of stock or indebtedness shall be void.

SEC. 194. All corporations formed under the laws of this State, or carrying on business in this State, shall at all times have one or more known places of business in this State, and an authorized agent or agents there, upon whom process may be executed; and the General Assembly shall enact laws to carry into effect the provisions of this section.

SEC. 195. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals; and the exercise of the police powers of this Commonwealth shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

SEC. 196. Transportation of freight and passengers by railroad, steamboat, or other common carrier, shall be so regulated by general law as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

SEC. 197. No railroad, steamboat, or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town, or county officer, or member of the General Assembly, or judge; and any State, district, city, town, or county officer, or member of the General Assembly, or judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

SEC. 198. It shall be the duty of the General Assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations, or other organizations, from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

SEC. 199. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers, and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

SEC. 200. If any railroad, telegraph, express, or other corporation organized under the laws of this Commonwealth shall consolidate, by sale or otherwise, with any railroad, telegraph, express, or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation; but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate

property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

SEC. 201. No railroad, telegraph, telephone, bridge, or common carrier company shall consolidate its capital stock, franchises, or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge, or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease, or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 202. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

SEC. 203. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 204. Any president, director, manager, cashier, or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony, and subject to such punishment as shall be prescribed by law.

SEC. 205. The General Assembly shall by general laws provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges, or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

SEC. 206. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control; and the General Assembly shall enact laws for the inspection of grain, tobacco, and other produce, and for the protection of producers, shippers, and receivers of grain, tobacco, and other produce.

SEC. 207. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

SEC. 208. The word "corporation" as used in this Constitution shall embrace joint-stock companies and associations.

RAILROADS AND COMMERCE.

SEC. 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three commissioners. During the session of the General Assembly which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the governor shall appoint, by and with the advice and consent of the Senate, said three commissioners, one from each superior court district as now established; and said appointees shall take their office at the expiration of the terms of the present incumbents. The commissioners so appointed shall continue in office during the term of the present governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five, and every four years thereafter, the commissioners shall be elected, one in each superior court district, by the qualified voters thereof, at the same time and for the same term as the governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year, next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may from time to time change said districts so as to equalize the population thereof, and may, if deemed expedient, require that the commissioners be all elected by the qualified voters of the State at large; and if so required, one commissioner shall be from each district. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in any wise pecuniarily interested in such company, corporation, firm, or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the railroad commissioners shall be regulated by law; and, until otherwise provided by law, the commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed, and allowed by law to the existing railroad commissioners. The General Assembly may, for cause, address any of said commissioners out of office by similar proceedings as in the case of judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said commissioners, and to impose proper penalties therefor.

SEC. 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in, any other business than that of a common carrier, or hold, own, lease, or acquire, directly or indirectly, mines, factories, or timber, except such as shall be necessary to carry on its business; and the General

Assembly shall enact laws to give effect to the provisions of this section.

SEC. 211. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain, or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

SEC. 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands or under the control of any officer, agent, or employee of such corporation or company, shall be subject to process of attachment to the same extent, and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property, may be subjected to the payment of any judgment against such corporation or company in the same manner and to the same extent as such property of individuals in the hands of third persons.

SEC. 213. All railroad, transfer, belt lines, and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining, or controlling any railroad, transfer, belt lines, or bridges, or doing a railway business in this State, shall receive, transfer, deliver, and switch empty or loaded cars, and shall move, transport, receive, load, or unload all the freight in car-loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge, or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback, or rebate in favor of any person, corporation, consignee, or consignor, in any matter as to payment, transportation, handling, or delivery; and shall so receive, deliver, transfer, and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

SEC. 214. No railway, transfer, belt line, or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association, or corporation, for the receipt, transfer, delivery, transportation, handling, care, or custody of any freight, or for the conduct of any business as a common carrier.

SEC. 215. All railway, transfer, belt lines, or railway bridge companies shall receive, load, unload, transport, haul, deliver, and handle freight of the same class for all persons, associations, or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

SEC. 216. All railway, transfer, belt lines, and railway bridge companies shall allow the tracks of each other to unite, intersect, and cross at any point where such union, intersection, and crossing is reasonable or feasible.

SEC. 217. Any person, association, or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars; and for the third offense, shall thereupon, *ipso facto*, forfeit its franchises, privileges, or charter rights; and if such delinquent be a foreign corporation, it shall, *ipso facto*, forfeit its right to do business in this State; and the attorney-general of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

SEC. 218. It shall be unlawful for any person or corporation owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: *provided*, that, upon application to the railroad commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such common carrier or person, or corporation owning or operating a railroad in this State, may be relieved from the operations of this section.

THE MILITIA.

SEC. 219. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 220. The General Assembly shall provide for maintaining an organized militia, and may exempt from military service persons having conscientious scruples against bearing arms; but such persons shall pay an equivalent for such exemption.

SEC. 221. The organization, equipment, and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 222. All militia officers whose appointment is not herein otherwise provided for shall be elected by persons subject to military

duty within their respective companies, battalions, regiments, or other commands, under such rules and regulations, and for such terms, not exceeding four years, as the General Assembly may from time to time direct and establish. The governor shall appoint an adjutant-general and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers; and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The governor shall have power to fill vacancies that may occur in elective offices by granting commissions, which shall expire when such vacancies have been filled according to the provisions of this Constitution.

SEC. 223. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics, and banners of the Commonwealth of Kentucky.

GENERAL PROVISIONS.

SEC. 224. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

SEC. 225. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly, or of the governor when the General Assembly may not be in session.

SEC. 226. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

SEC. 227. Judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, assessors, county attorneys, and constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

SEC. 228. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar before they enter upon the practice of their profession, shall take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as

second in carrying a challenge, nor aided or assisted any person thus offending, so help me God!"

SEC. 229. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 230. No money shall be drawn from the State treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 231. The General Assembly may by law direct in what manner and in what courts suits may be brought against the Commonwealth.

SEC. 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 233. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 234. All civil officers for the State at large shall reside within the State, and all district, county, city, or town officers shall reside within their respective districts, counties, cities, or towns, and shall keep their offices at such places therein as may be required by law.

SEC. 235. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

SEC. 236. The General Assembly shall by law prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 237. No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

SEC. 238. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public officers, may be relieved of or discharged from suretyship.

SEC. 239. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept, or knowingly carry, a challenge to any person or persons to fight in single combat, with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or

profit in this Commonwealth; and if said acts, or any of them, be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

SEC. 240. The governor shall have power, after five years from the time of the offense, to pardon any person who shall have participated in a duel as principal, second, or otherwise, and to restore him to all the rights, privileges, and immunities to which he was entitled before such participation. Upon presentation of such pardon, the oath prescribed in section two hundred and twenty-eight shall be varied to suit the case.

SEC. 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go, and to whom belong; and, until such provision is made, the same shall form part of the personal estate of the deceased person.

SEC. 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured, or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by commissioners or otherwise; and, upon appeal from such preliminary assessment, the amount of such damages shall in all cases be determined by a jury, according to the course of the common law.

SEC. 243. The General Assembly shall by law fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals, and shall provide adequate penalties for violations of such law.

SEC. 244. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

SEC. 245. Upon the promulgation of this Constitution, the governor shall appoint three persons, learned in the law, who shall be commissioners to revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part. The said commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery for the time during which they are actually employed; and upon their certificate the auditor shall draw his warrant upon the treasurer. They shall have the power to employ clerical assistants, at a compen-

sation not exceeding ten dollars per day in the aggregate. If the commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the governor shall appoint another or others in his or their place.

SEC. 246. No public officer, except the governor, shall receive more than five thousand dollars per annum as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

SEC. 247. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor.

SEC. 248. A grand jury shall consist of twelve persons, nine of whom, concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the circuit courts, a jury shall consist of six persons. The General Assembly may provide, that, in any or all trials of civil actions in the circuit courts, three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel; but where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

SEC. 249. The House of Representatives of the General Assembly shall not elect, appoint, employ, or pay for, exceeding one chief clerk, one assistant clerk, one enrolling clerk, one sergeant-at-arms, one door-keeper, one janitor, two cloak-room keepers, and four pages; and the Senate shall not elect, appoint, employ, or pay for, exceeding one chief clerk, one assistant clerk, one enrolling clerk, one sergeant-at-arms, one door-keeper, one janitor, one cloak-room keeper, and three pages; and the General Assembly shall provide by general law for fixing the per diem or salary of all of said employees.

SEC. 250. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 251. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title, or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth.

SEC. 252. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction, and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

SEC. 253. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they cannot be confined in the penitentiary.

SEC. 254. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

SEC. 255. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

MODE OF REVISION.

SEC. 256. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session; and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the secretary of state in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time, nor shall the same amendment be again submitted within five years after a submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject; but no amendment shall be proposed by the

first General Assembly which convenes after the adoption of this Constitution. The approval of the governor shall not be necessary to any bill, order, resolution, or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

SEC. 257. Before an amendment shall be submitted to a vote, the secretary of state shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

SEC. 258. When a majority of all the members elected to each House of the General Assembly shall concur by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall in like manner concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the secretary of state by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes cast for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the secretary of state shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise, or amend this Constitution and such amendments as may have been made thereto.

SEC. 259. The convention shall consist of as many delegates as there are members of the House of Representatives; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

SEC. 260. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

SEC. 261. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

SEC. 262. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections; but the General Assembly shall, in the act calling

the convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

SEC. 263. Before a vote is taken upon the question of calling a convention, the secretary of state shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same into complete operation, it is hereby declared and ordained: —

1. That all laws of this Commonwealth in force at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them shall remain in force until such legislation is had, but not longer than six years after the adoption of this Constitution, unless sooner amended or repealed by the General Assembly.

2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county, or subdivision thereof, and all fines, taxes, penalties, and forfeitures due or owing to this State, or to any city, town, county, or subdivision thereof; and all writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution; and all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

3. All circuit, chancery, criminal, law and equity, law, and common pleas courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the judges of the circuit courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine; and the causes, actions, and proceedings then pending in said first-named courts, which are discontinued by this Constitution, shall be transferred to, and tried by, the circuit courts in the counties, respectively, in which said causes, actions, and proceedings are pending.

4 and 5. [These sections were of only temporary effect, concerning the election, appointment, and terms of certain officers in 1891–1896.]

6. The quarterly courts created by this Constitution shall be the successors of the present statutory quarterly courts in the several counties of this State; and all suits, proceedings, prosecutions, records, judgments now pending or being in said last-named courts, shall, after

the adoption of this Constitution, be transferred to the quarterly courts created by this Constitution, and shall proceed as though the same had been therein instituted.

Ordinance.

We, the representatives of the people of Kentucky, in Convention assembled, in their name and by their authority and in virtue of the power vested in us as delegates from the counties and districts respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this date.

Done at Frankfort this twenty-eighth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and in the ninety-ninth* year of the Commonwealth.

Amendment of 1902, added to Section 181.

And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an *ad valorem* tax thereon : *Provided*, Cities of the first class shall not be authorized to omit the imposition of an *ad valorem* tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

Amendment of 1908, added to Section 177.

The credit of the Commonwealth may be given, pledged or loaned to any county of the Commonwealth for public road purposes, and any county may be permitted to incur an indebtedness in any amount fixed by the county, not in excess of five percentum of the value of the taxable property therein, for public road purposes in said county, provided said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose, in such manner as may be provided by law, and when any such indebtedness is incurred by any county, said county may levy, in addition to the tax rate allowed under section 157 of the Constitution of Kentucky, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.

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* Error: should be " one hundredth."